

ORDINANCE NO. 2020 – 6

AN ORDINANCE AMENDING SECTION 179.03 OF THE CODIFIED ORDINANCES, NUNC PRO TUNC, OF THE CITY OF PARMA HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, this Council is desirous of amending Section 179.03 of the Codified Ordinances to include benefits available to employees in the Codified Ordinance; and

WHEREAS, this Council amended 179.03 Of the Codified Ordinances on December 9, 2019 in Ordinance No. 2019 – 37 and some sections of then existing 179.03 were omitted from the approved amendment; and

WHEREAS, it is necessary to correct this code provision and restore it to its former version; and

WHEREAS, this Council is desirous of correcting the record and restoring all employee benefits as set forth in 179.03, attached as Exhibit A, as the benefits existed prior to the passage of Ordinance 2019 – 37.

NOW, THEREFORE BE IT ORDAINED, NUNC PRO TUNC, BY THE COUNCIL OF THE CITY OF PARMA HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Section 179.03 [Employee Benefits] of the Codified Ordinances shall be amended, Nunc Pro Tunc, as set forth in Exhibit A, which is attached hereto, and is incorporated herein, as fully rewritten.

Section 2. Section 179.03 [Employee Benefits] of the Codified Ordinance, as currently written, is repealed.

Section 3. The remaining sections of Chapter 179 [179.01 through 179.02] and [179.04 through 179.12] shall remain in full force and effect, as currently written.

Section 4. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Ordinance is declared to be an emergency measure necessary for the public peace, health and safety of the municipality and for the further reason that it is immediately necessary to amend Section 179.03, only, of the ordinance to update employee benefits; wherefore, this ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: 3-9-2020



PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan

3-9-2020

CLERK OF COUNCIL

APPROVED

FILED WITH
THE MAYOR: 3-9-2020


MAYOR

179.03 EMPLOYEE BENEFITS.

(a) Medical Insurance. Each non-aligned full-time employee, after one month of such full-time service, shall be entitled to health insurance provided by the City. Health benefit plan design, coverage options and employee cost of participation shall be determined annually and such conditions to be outlined in a Health Benefit Summary document to be provided to employee at the inception of each benefit year.

(Ord.2001-7. Passed 2-26-01; Ord. 2001-28. Passed 9-10-01; Ord. 2012-37. Passed 8-6-12; Ord.2013-5. Passed 2-25-13.)

(b) Group Life Insurance. Each regular full-time employee shall, after one year of such full-time service, be entitled to fully paid group life insurance in the amount of twenty-five thousand dollars (\$25,000).

(Ord. 1991-28. Passed 8-12-91; Ord. 2012-37. Passed 8-6-12; Ord. 2013-5. Passed 2-25-13.)

(c) Part-Time Employees. Elected officials, part-time directors and other part-time employees of the City may, at their option, elect to participate in the City's medical and/or group life insurance programs. In the event of such election and after six months of such part-time services, as it affects the medical insurance program, and one year of such services, as it affects the group life insurance program, the elected official, part-time director or other part-time employee will have his monthly or biweekly pay reduced by the amount of the applicable premium necessary for proper coverage in the elected insurance program. Where such monthly or biweekly payroll payment is insufficient to cover the cost of such insurance premium, the part-time employee will be required to make the required monthly premium payment, in cash, to keep the insurance in effect.

(Ord. 1983-29. Passed 10-11-83; Ord. 2013-5. Passed 2-25-13.)

(d) Sick Leave.

(1) Each regular full-time employee, including civilian employees in the Departments of Police and Fire, shall be entitled to 4.6 hours of sick leave for every 80 hours of regularly scheduled employment. Unused sick leave shall be cumulative up to a total of 1,750 hours for employees working eight-hour days, and up to 1,531 for employees working seven-hour days.

Sick leave accrued under prior ordinances shall remain in effect and sick leave days accrued as of December 31, 1981, shall be converted to hours by taking the sick leave days accrued and multiplying such figure by the number of hours in such employee's regularly scheduled work day. Payment for sick leave, at the rate of one hour per every hour of sick leave absence, shall be made only when approved by the Director of Personnel, who may require the employee to furnish a satisfactory, written, signed statement to justify the use of sick leave, and, in the case of sick leave absence in excess of one day, who shall require certification as to the nature of the illness or injury from the employee's physician or the Police Surgeon.

(2) An absence due to a service connected injury will not be charged against an employee's accumulated sick leave so long as it does not exceed the employee's attending physician's and/or Police Surgeon's prognosis as to the employee's ability to return to employment. Once an employee has returned to assume normal duties, following absence due to a service connected injury, subsequent absences, alleged as being due to the service connected injury, will be charged against the employee's accumulated sick leave, unless excused by the employee's attending physician's and/or Police Surgeon's certificate. In case of a disagreement between physicians, the certification of a third physician will be required.

(3) At the time of retirement from active duty with the City or death of the employee, the employee, or the employee's estate, will be paid in cash for sixty percent of the value of his or her accrued, but unused, sick leave credit. Such payment shall be based on the employee's rate of pay at time of retirement or death. 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. The maximum payment which may be made shall be sixty percent of 1,200 hours for employees working eight-hour days and sixty percent of 1,050 hours for employees working seven-hour days. The formula for computation shall be:

A In the case of employees working eight-hour days:

annual rate x (accumulated hours x .60)

2,080

B. In the case of employees working seven-hour days:

annual rate x (accumulated hours x .60)

1,820

NOTE: Annual rate of pay used in above unused sick time payment calculations is based on the total of the base salary and longevity pay only.

(4) City employees shall be paid an incentive for conservation of annual sick leave allowances as follows:

A. In the case of employees working eight-hour days:

| Unused Sick Leave Hours | Incentive Payment (hrs.) |
|-------------------------|--------------------------|
| 120 | 30 |
| 112 | 28 |
| 104 | 26 |
| 96 | 24 |
| 88 | 22 |
| 0 | 20 |
| 72 | 18 |
| 64 | 16 |
| 56 | 14 |
| 48 | 12 |
| 40 | 10 |
| Less than 40 | -0- |

B. In the case of employees working seven and one-half hour days:

| Unused Sick Leave Hours | Incentive Payment (hrs.) |
|-------------------------|--------------------------|
| 113 | 30 |
| 105 | 28 |
| 98 | 26 |
| 90 | 24 |
| 83 | 22 |
| 75 | 20 |
| 68 | 18 |
| 60 | 16 |
| 53 | 14 |
| 45 | 12 |
| 38 | 10 |
| Less than 38 | -0- |

C. In the case of employees working seven-hour days:

| Unused Sick Leave Hours | Incentive Payment (hrs.) |
|-------------------------|--------------------------|
| 105 | 30 |
| 98 | 28 |
| 91 | 26 |
| 84 | 24 |
| 77 | 22 |
| 70 | 20 |
| 63 | 18 |
| 56 | 16 |
| 49 | 14 |
| 42 | 12 |
| 35 | 10 |
| Less than 35 | -0- |

(5) The equivalent hourly rate to be paid will be that in effect as of December 31 in the year in which the sick leave days are accumulated. Payment shall be made concurrently with the second payroll of February following the year in which sick leave days were accumulated. Such incentive payment will in no way diminish an employee's sick leave accumulation.

(Ord. 1994-47. Passed 10-11-94; Ord. 1997-20. Passed 6-23-97; Ord. 2013-5. Passed 2-25-13.)

(e) Funeral Attendance. An employee may use a portion of his or her accumulated sick leave for funeral arrangements and services for his or her spouse, child, parents, mother-in-law, father-in-law, grandparents, grandparents-in-law, sister, brother, sister-in-law or brother-in-law, grandchildren, step-parent, step-sister, step-brother, aunt, uncle, cousin, niece and nephew.

(Ord. 1991-28. Passed 8-12-91; Ord. 2013-5. Passed 2-25-13.)

(f) Vacations.

(1) All full-time employees will be credited with their unused earned vacation balances beginning on January 1, 2020.

(2) Effective January 1, 2020, vacation leave for all full-time employees shall be computed on the full-time months actually employed. The rate that vacation leave accrues shall depend upon the number of years of total service for the City as a full-time employee. The employee's vacation leave shall accrue at the rate indicated in the following schedule:

| <i>Total Years of Service</i> | <i>Accrual Rate per Month</i> | <i>Vacation Days per Year</i> | <i>Maximum Accrual</i> |
|-------------------------------|--|-------------------------------|---|
| 0 up to 4 | 6.666 hours (80 base) 5.833 hours (70 base) | 10 working days | 160 hours (80 base) 140 hours (70 base) |
| 5 up to 11 | 10.000 hours (80 base) 8.750 hours (70 base) | 15 working days | 200 hours (80 base) 185 hours (70 base) |
| 12 up to 20 | 13.333 hours (80 base) 11.666 hours (70 base) | 20 working days | 240 hours (80 base) 220 hours (70 base) |
| 21 up to 23 | 16.666 hours (80 base) 14.583 hours (70 base) | 25 working days | 280 hours (80 base) 255 hours (70 base) |
| 24 or more | 20.000 hours (80 base) 17.500 hours (70 base) | 30 working days | 320 hours (80 base) 290 hours (70 base) |

(3) Vacation time earned during the first calendar month of full-time employment shall be prorated based on the amount of vacation contained in the schedule above to reflect service time from the date of full-time employment to end of the first calendar month. Vacation time earned during the final calendar month year of full-time employment shall be prorated based on the amount of vacation contained in the schedule above to reflect service time from the first day of the calendar month to the final date of full-time employment.

(4) Full-time employees may accumulate a maximum amount of their annual vacation accrued plus eighty hours (seventy hours for employees working thirty-five hours per week), effective January 1, 2020. All vacation hours that exceed the allowable maximum accrual at the end of each pay period will expire without compensation.

(5) A full-time employee who is reemployed or rehired by the City upon retirement will not be paid for any earned and unused accumulated vacation. The employee will continue to accrue vacation and retain his or her unused accumulated vacation time and continue to earn vacation based on the schedule in subsection (a) above, not to exceed four weeks (twenty work days) per year.

(6) Full-time employees terminating employment due to voluntary resignation or retirement shall be paid all earned and unused vacation time.

(7) In the case of death of any full-time employee, the earned and unused vacation time shall be paid to the employee's estate.

(8) Full-time employees who have concluded twenty-one continuous years of service may, at his or her option, bank not more than two weeks per year, up to a maximum amount of nine weeks. Full-time employees may receive cash payment for such banked vacation one time, either at retirement or before, but may not thereafter bank additional hours after the nine weeks have been utilized.

(9) In lieu of banking vacation time, an employee who has concluded twenty-one continuous years of service may turn in for annual payment not more than two weeks per year, up to a maximum amount of nine weeks. The Mayor and Finance Director must approve this intent no later than November 1 of the calendar year in which payment is requested. Such payment shall be made on the last pay of the calendar year in which payment is requested.

(g) Holidays. Each regular full-time employee of the City who has served at least thirty days of service prior to any holiday hereinafter set forth and who has worked or been on vacation during his regularly scheduled work days immediately preceding and succeeding such holiday, shall be entitled to the following twelve legal holidays with pay at the employee's normal hourly rate of pay for each of such holidays:

- (1) The first day of January, known as New Year's Day;
- (2) The third Monday in January, known as Martin Luther King Day;
- (3) The third Monday in February, known as Washington-Lincoln or Presidents' Day;
- (4) Decoration or Memorial Day (date of observance as established by State Legislature);
- (5) The fourth day of July, known as Independence Day;
- (6) The first Monday in September, known as Labor Day;
- (7) The second Monday in October, known as Columbus Day;
- (8) The eleventh day of November, known as Veterans' Day;
- (9) The fourth Thursday in November, known as Thanksgiving Day;
- (10) The twenty-fifth day of December, known as Christmas Day;
- (11) A floating holiday to be taken on a day of the employee's choice subject to approval of departmental supervision; and
- (12) The employee's birthday.

All part-time employees and full-time employees of the City with less than thirty days of service with the City shall be entitled to the aforesaid holidays without pay.

The City, in response to certain reductions in the workweek hours for the City firefighters, does hereby agree to grant each full-time non-aligned employee the following additional three holidays:

- (1) The fourth Friday of November, known as the day after Thanksgiving;
- (2) The twenty-fourth day of December, known as Christmas Eve Day; and
- (3) Effective January 1, 2001, a floating holiday to be taken on a day of the employee's choice, subject to approval of departmental supervision.

(Ord. 1991-28. Passed 8-12-91; Ord. 2000-52. Passed 11-27-00; Ord. 2013-5.

Passed
2-25-13.)

(h) Longevity Pay. Additional compensation for continuous full-time employment, which shall be entitled longevity pay, shall be paid for each calendar year on the first pay period in December of each year. The rate of longevity pay to which an employee shall be entitled in any calendar year shall be computed in accordance with the following schedule:

| Years of Continuous, Full-Time Employment Completed as of the Anniversary Date of Employment | Rate of Longevity Pay Per Month |
|--|---------------------------------|
| 0-4 | \$ -0- |
| 5 | 20.83 |
| 10 | 41.66 |
| 15 | 62.50 |
| 20 | 83.33 |
| 25 | 104.16 |
| 30 | 125.00 |

The amount of longevity pay to which an employee is entitled in a calendar year shall be computed by multiplying the number of months in the calendar year preceding and subsequent to his or her anniversary date of employment in that year by the applicable rate or rates of monthly longevity pay based upon the number of years of continuous full-time employment completed in that year, as determined in accordance with the above schedule.

In each calendar year, the anniversary date of employment shall be the first day of the month in which the employee commenced his continuous, full-time employment with the City. In calculating the length of an employee's continuous employment, full-time service in all departments of the City shall be included.

(Ord.2013-5. Passed 2-25-13.)

(i) Jury Duty Compensation. Each regular full-time employee shall, if called for jury duty, receive his regular compensation during the time spent in the capacity as a juror less the amount paid to him by the court for such duty as a juror.

(Ord. 1983-29. Passed 10-11-83; Ord. 2013-5. Passed 2-25-13.)

