

# ORDINANCE 02–2015

## AN ORDINANCE AMENDING CHAPTER 250, EMPLOYEES GENERALLY FOR THE VILLAGE OF MINERVA PARK AND DECLARING AN EMERGENCY

**WHEREAS,** The Village of Minerva Park Council deems it necessary to amend and revise Chapter 250 of the Codified Ordinances of the Village of Minerva Park.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT;**

**Section 1.** The Village of Minerva Park hereby amends Chapter 250, Employee Generally as follows:

### 250.02 VACATION LEAVE

Full-time Village employees are eligible for paid vacation leave as follows:

<u>Years of Service</u>	<u>Hours Per Year</u>	<u>Accrual Rate Per 80 Hours of Service</u>
On Date of Hire	40	---
0 through 1	40	1.54
1 through 4	80	3.08
5 through 14	120	4.62
15 or more	160	6.16

Vacation leave accrues on a pro-rated basis each pay period. New employees shall receive 40 hours of their vacation leave when hired and shall earn the remaining eligible hours prorated over 26 pays. The accrued vacation shall be available after the employee's initial probation period. Employees with less than one year of service with the Village are not entitled to payment of any accrued unused vacation leave upon termination or separation. Accrual rate changes are effective at the beginning of the pay period that includes the employee's anniversary date.

Years of service includes service credit for employment with the State of Ohio or any county, municipality, township, school district, or any other Ohio local government in a similar profession. Service credit will not be recognized for unrelated service time in dissimilar positions/professions. Service credit shall be as recognized with the appropriate State pension system. All vacation leave must be approved by the supervisor or Mayor.

Vacation leave may be taken in minimum units of one-half hour. Requests for the use of vacation leave for three consecutive workdays or greater, shall be made in writing and should be submitted at least one week before the start of such proposed vacation. Vacations shall be subject to the staffing requirements of the Village, but shall not be unreasonably denied. All vacation leave must be approved by the employee's supervisor.

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In no event can an employee carry over more than two years of his/her annual accumulation rate. Thus, an employee's total vacation leave may not exceed two times his/her annual accumulation rate at times during a calendar year. Vacation accrual beyond the two-year limit is forfeited. The employee's anniversary date shall be used to determine accrual limits. Additional vacation leave is not accrued through the accumulation of paid overtime.

Full-time employees who resign or retire after a minimum of one year of service are entitled to compensation, at their current rate of pay, for all earned but unused vacation leave to his/her credit at the time of separation, providing the employees give at least two weeks advanced written notice of the separation. The use of vacation is prohibited within the two-week period prior to separation/termination.

Pursuant to any applicable Federal or State laws, paid leave accrued credits will not be earned while an employee is in a no-pay status. Vacation leave will only accrue for full-time employees in active pay status. Active pay status is an employee who receives compensation (80 hours per pay period) for time worked or use of vacation, sick leave, or other paid leave provided by the Village.

### **250.03 HOLIDAYS**

All full-time employees shall receive 8 hours of holiday pay at their regular pay rates. Employees in an unpaid status are not eligible for holiday pay. Holiday pay is granted for the following recognized holidays:

New Year's Day	Martin Luther King Day
Presidents Day	Memorial Day
Independence Day	Labor Day
Veterans Day	Thanksgiving Day
Day after Thanksgiving Day	Christmas Day

If a holiday occurs while an employee is on vacation, such vacation day will not be charged against his or her vacation leave. Employees who use sick leave on the day before or after a holiday, or on the holiday, may be required to furnish proof of illness by furnishing a doctor's statement. Employees who fail to provide such a statement, if required, shall forfeit the holiday pay.

Full-time employees that are scheduled or called in and approved to work a holiday shall be paid at one and one-half times their regular rate of pay.

### **250.04 SICK LEAVE**

Sick leave is a full-time employee benefit that is to be used solely for the purposes outlined below. For each completed 80 hours in active pay status, an employee earns 4.6 hours of sick leave. Active pay status may be defined as hours worked, hours on vacation, hours on holiday leave, and hours of paid sick leave but additional sick leave is not accrued through the accumulation of paid overtime. Sick leave may not be advanced; however, employees that have exhausted all their accrued sick leave may request to use other forms of paid leave or unpaid leave of absence at the sole discretion of the Village. Sick leave shall be charged in minimum amounts of one-half hour increments. There is no limit on the amount of sick leave that can be accrued.

Sick leave may be requested for the following reasons:

- Illness or injury of the employee or member of his or her immediate family.

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- Exposure of employee or member of his or her immediate family to a contagious disease which would have a potential of jeopardizing the health of the employee or the health of others.
- Medical, dental, or optical examinations or treatment of employees or a member of his or her immediate family.
- Pregnancy, childbirth, and/or related medical conditions of the employee or the employee's immediate family.

For the purposes of this sick leave policy, the ‘immediate family’ is defined as only: mother, father, brother, sister, child, step-child, spouse or domestic partner, grandparent, grandchild, residential dependent, legal guardian, legal ward or other person who stands in the place of parent and who resides with the employee or for whom the employee is legally obligated to provide care.

The Employer, or designee, maintains the right to investigate any employee's absence. Employees may be required to furnish a satisfactory, signed written statement from a physician or practitioner verifying the proper use of sick leave. The employee will submit to a medical examination, nursing visit or other inquiry which the Employer or designee requires. An employee fraudulently obtaining sick leave, or found falsifying sick leave records, altering a physician's or practitioner's certificate or falsification of a written, signed statement shall be subject to disciplinary action, up to and including termination.

Employees absent on sick leave shall be paid at the same basic hourly, daily, or biweekly rate as when they are working. An employee requesting sick leave shall personally notify his or her supervisor at least ½ hour prior to the start of their scheduled shift. Notification is by phone call or voice mail. Email or text message or through a third party is not acceptable except in the case of emergency or at the discretion of the supervisor. The employee must indicate a qualifying reason for his or her absence. Failure to do so may result in denial of sick leave for the period of the absence. In cases where the employee's supervisor is not available, the employee shall notify their supervisor's immediate supervisor to notify them of the absence.

A return to work slip from a physician will be required to return to work after each sick leave incident that lasts for more than three working days. For extended illnesses (beyond three days), a doctor's excuse is required for every two weeks, unless a specific release date is provided by the physician at the onset of the illness or injury.

Previously unused accumulated sick leave of an employee earned while employed by another Ohio government may be transferred to the credit of that employee, provided reemployment takes place within 10 years from the last termination of public service by the employee. The maximum hours that may be transferred are limited to 240 hours. Sick leave hours transferred in are not eligible for any form of payment, retirement or otherwise, by the Village and shall be used after sick leave hours accrued and accumulated while employed by the Village. The sick leave hours accrued and accumulated while employed by the Village shall be used first before any sick leave hours transferred in from other Ohio government employers.

Vacation or Leave without pay may be used for sick leave purposes, at the employee's request and the approval of the Employer, after sick leave is exhausted.

Sick leave shall not be used as a ‘bridge’ into separation from employment when an employee is no longer medically able to perform the functions of his or her job as sick leave is intended to provide paid leave for an Employee who is recovering from an approved illness or injury as described herein and recuperating to return to his or her normal job duties.

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### **250.05 BEREAVEMENT LEAVE**

Any full-time employees may be granted a maximum of three consecutive working days in the event of a death of an immediate family member. A fulltime employee may use an additional five days of accumulated sick leave, upon approval of the Mayor or department head. For the purposes of this policy, the “immediate family” is defined as only: mother, father, brother, sister, child, stepchild, spouse or domestic partner, 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.

The use of sick time for bereavement leave shall not be counted as a sick leave incident.

### **250.06 MILITARY LEAVE**

Full time employees shall be granted leave with partial pay when ordered to active duty as a member of the Ohio National Guard, or any of the U.S. Armed Forces Reserve Components. Such leave shall not exceed twenty-one (21) calendar days per year when called to active duty. The rate for such leave shall be the employee’s regular salary less the amount received as pay for the military service rendered. Typically, use of this section shall be for the approximately two-week “summer camps” for the members of the components set forth above. An employee may at the discretion of the Village, be granted up to ten additional workdays per year for such purpose. An employee shall be allowed to use vacation time and/or personal days to avoid a deduction in his pay for work missed under this section.

An employee who enters extended military service with the armed forces shall be granted a leave of absence without pay to extend until ninety (90) days beyond the termination of such service.

An employee shall provide Military Orders received to their supervisor.

### **250.07 JURY DUTY (CIVIC DUTY) LEAVE OR WORK RELATED COURT APPEARANCES**

If a full-time employee of the Village is called for jury duty, he will be paid his regular salary or wage in full for the period of time the employee serves in jury duty. All monies received as compensation for jury duty shall be turned over to the Village Fiscal Officer, unless jury duty was served outside of regular working hours. The employee will be expected to report for work following jury duty, if a reasonable amount of time remains during his scheduled workday.

Employees shall also be entitled to leave without loss of pay to appear in court in matters related to their employment. However, employees shall not be entitled to paid court leave when appearing for criminal or civil cases, when the case is being heard in connection with the employee’s personal matters, or other non-work related matters. If the employees are required to appear in court for a personal or non-work matter, employees may request a leave without pay, the use of vacation leave or other form of paid leave. Paid leave may be used upon the prior request to and approval of the Department Head.

Time served by an employee for court leave or jury duty shall not be considered hours worked for purposes of calculating overtime, unless such court service is directly related to or is an integral part of the employee’s work duties.

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### **250.08 LEAVE WITHOUT PAY**

At the sole discretion of the Village, the Employer may grant a leave of absence to any employee for a maximum duration of six months upon the written request of the employee. Leave without pay may be granted for personal reasons, educational opportunities of the employee or due to an illness, injury, or temporary disability. Such a leave may not be renewed or extended beyond six months. A failure of the employee to return at the conclusion of a leave of absence without pay will result in the employee being deemed to have voluntarily resigned their position.

The authorization of a leave of absence without pay is a matter of administrative discretion and documentation may be required before, during or after the leave period. The Employer will decide in each individual case if a leave of absence is to be granted.

Except for emergencies, employees will advise the Employer sixty days prior to commencement of the desired leave so that the various functions may proceed properly.

Upon completion of a leave of absence, the employee shall be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists, unless the employee would otherwise have been separated from service.

An employee may return to work before the scheduled expiration of leave if requested by the employee and granted by the Employer.

### **250.09 EDUCATION LEAVE AND CONTINUING EDUCATION**

A full-time employee of the Village may be permitted to leave with pay for the purpose of attending professional conferences, workshops, or educational meetings or classes, when directly related to the employee's current position. All requests for such leave shall have the prior written approval of the Employer. The decision to grant said leave for educational purposes, as well as the specific terms and conditions of the leave, shall be at the sole discretion of the Employer and/or Department Head.

### **250.10 PAY PERIODS**

All employees are to be paid on a bi-weekly basis. The bi-weekly pay period begins at 12:01 a.m. Sunday and goes through 12:00 p.m. Saturday, 14 days later. Payment for the bi-weekly period shall be the following Friday, six days after the pay period end date. All employees shall receive their compensation by direct deposit (ACH).

Elected officials shall receive their compensation on a monthly basis. Compensation shall be paid at the end of each month or on the last pay date of the month for all other employees.

If a holiday occurs on a Friday in which a pay date falls, paychecks will be issued on the preceding Thursday, except under extenuating circumstances, in which case paychecks will be issued as soon as they are available.

Pay advances of any kind are not permitted.

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### 250.11 OVER-TIME

Full-time non-exempt employees shall receive compensation at a rate of one and one-half time their regular hourly rate for hours worked in excess of 40 hours in a week. The use of sick leave and vacation hours shall not count towards hours worked. Over-time is subject to approval of the employee's supervisor.

**Section 2.** Due to the need to have employee leave policies that are clear and applied consistently, Sections 250.02 and 250.04 regarding the award/accrual of vacation hours and the transfer of sick leave hours shall also be applied to all full-time employees hired after October 1, 2014.

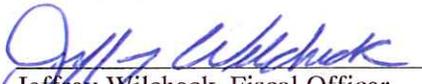
**Section 3.** Sections 250.02, 250.03, 250.04, 250.05, 250.07 of the Codified Ordinance of the Village of Minerva Park and Ordinance 10-2004 are hereby repealed and all prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

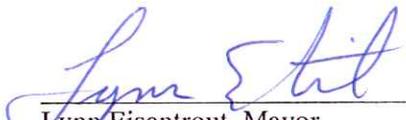
**Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

**Section 5.** Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the need to have appropriate leave policies that are clear and applied consistently. Wherefore, this Ordinance shall take effect and shall be in force immediately upon passage by Council.

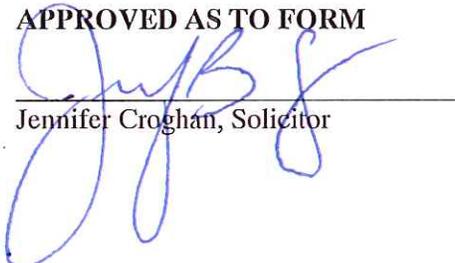
First Reading: April 13, 2015  
Second Reading: April 27, 2015  
Third Reading: May 11, 2015  
Passed: May 11, 2015

### ATTESTS

  
Jeffrey Wilcheck, Fiscal Officer

  
Lynn Eisentrout, Mayor

### APPROVED AS TO FORM

  
Jennifer Croghan, Solicitor