

RESOLUTION 2017-02

A RESOLUTION RATIFYING AND CONFIRMING THE SEPARATION BENEFITS PAYABLE UNDER THE EMPLOYEE HANDBOOK

WHEREAS, the Fiscal Officer accepted a full-time position with another municipality starting December 5, 2016, and agreed to stay on part-time to assist in the training of a new fiscal officer; and,

WHEREAS, the Fiscal Officer has continued to serve the Village for an additional two plus months plus during the search for and training of a new fiscal officer; and,

WHEREAS, Section 124.39(C) of the Ohio Revised Code provides that “[a] political subdivision may adopt a policy allowing an employee to receive payment for more than one-fourth the value of the employee's unused sick leave or for more than the aggregate value of thirty days of the employee's unused sick leave, or allowing the number of years of service to be less than ten” and that “[t]he political subdivision may also adopt a policy permitting an employee to receive payment upon a termination of employment other than retirement;” and

WHEREAS, under the existing provisions of the Employee Handbook, the Fiscal Officer is eligible for the payment of the accumulated vacation and sick leave hours accumulated during employment with the Village; and,

WHEREAS, the Fiscal Officer served the Village full-time into December, continued to service the Village into February 2017, and provided a resignation giving at least two weeks-notice;

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

- Section 1.** Pursuant to Section 6 of the Employee Handbook, full-time and part-time employees who resign or retire after a minimum of one year of service are entitled to compensation, at his or her 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 Council hereby confirms and ratifies that the Fiscal Officer shall receive compensation at his current rate for the 192.08 accrued but unused hours of vacation.
- Section 2.** Pursuant to Section 6 of the Employee Handbook, full-time employees may convert sick leave to a cash payment in January each year. The hours subject to conversion are the hours earned for the pay periods ended from January through December of the prior calendar year. Payment requests are to be submitted in January with payment by the end of January at the rate of pay in effect for the last pay period of the prior calendar year. The Council hereby confirms and ratifies that the Fiscal Officer shall receive compensation under the sick leave conversion program addressed in the Employee Handbook, subject to the limitations imposed under the policy for sick leave usage, which equates to payment of 62.7 hours of sick leave.
- Section 3.** 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.

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(continued)

Section 4. 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 clarify the benefits of the departing Fiscal Officer prior to his final workday; WHEREFORE, this Resolution shall take effect and shall be in force immediately upon passage by Council.

/S/ Lynn Eisentrout

Lynn Eisentrout, Mayor

First Reading: January 23, 2017
Second Reading: Waived
Third Reading: Waived
Passed: February 13, 2017

ATTEST

APPROVED AS TO FORM

/S/ Kimberly Pulley

Kimberly Pulley, Fiscal Officer

/S/ Eugene Hollins

Solicitor