

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 07-124

INTRODUCED BY: Mayor Luks

AN ORDINANCE ESTABLISHING VARIOUS BENEFITS AND WAGES FOR FULL-TIME CIVILIAN JAIL MANAGER NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton desires to establish benefits for the full-time Civilian Jail Manager of the City of North Royalton.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. An employee covered by this ordinance shall be defined as a full-time Civilian Jail Manager of the City, who is not covered by any collective bargaining agreement. A Civilian Jail Manager who resigns or is discharged and is later rehired, shall be considered a new employee for the purpose of this ordinance.

Section 2. Holidays. All Civilian Jail Managers shall receive the following paid holidays:

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| 1. New Years Day | 8. Thanksgiving Day |
| 2. Martin Luther King Jr. Day | 9. Friday after Thanksgiving |
| 3. Presidents Day | 10. Christmas Eve (1/2 day) |
| 4. Memorial Day | 11. Christmas Day |
| 5. Independence Day | 12. New Years Eve (1/2 day) |
| 6. Labor Day | 13. Three (3) Personal Days |
| 7. Veterans Day | 14. Employee's Birthday |

To be eligible for the above paid holidays, the Civilian Jail Manager must report to work and actually work the last scheduled work day before the holiday, the first scheduled work day after the holiday or the holiday if the employee is scheduled to work the holiday, unless such Civilian Jail Manager is excused from work by the department head or the Civilian Jail Manager is on any paid leave, excluding a sick leave.

When the above holidays (excluding personal days) fall on a Saturday, the preceding Friday shall be observed as the holiday. When such holidays fall on a Sunday, the Monday immediately following shall be observed as the holiday by the Civilian Jail Manager normally working a Monday through Friday work week.

Civilian Jail Managers shall have the option of electing to take either time off with pay or to be paid for the holidays at straight time rate of pay. All days (excluding personal days) not taken off shall be paid in the first pay period in December.

If a Civilian Jail Manager elects to take time off instead of pay for the holidays, the Civilian Jail Manager must obtain prior approval from the Chief of Police before designating any days elected for time off.

A Civilian Jail Manager required to work Thanksgiving Day or Christmas Day shall be compensated at an additional one-half (1/2) times the employee's regular hourly rate of pay.

Section 3. Vacation. Each Civilian Jail Manager shall be entitled to the hereinafter designated vacation periods which vacation period shall be predicted upon the below specified length of accumulated continuous municipal service:

<u>Length of Service</u>	<u>Weeks</u>
(a) After one (1) year	Two (2)
(b) After five (5) years	Three (3)
(c) After ten (10) years	Four (4)
(d) After fifteen (15) years	Five (5)
(a) After twenty (20) years	Six (6)

Earned vacation shall be awarded on the employees anniversary date but may be available for use in the calendar year beginning January. Vacation time must be used in the calendar year or it shall be forfeited. Employees who retire/separate from service who use vacation leave before their anniversary date of earned vacation shall have their final salary adjusted/reduced for such advanced vacation pay. Employees shall have until June 30, 2002 to use remaining vacation time normally earned through their anniversary date of 2001. This provision does not relieve the employee's requirement to use their 2002 vacation leave from January through December 31, 2002. The Department Heads shall assign vacation periods for all members of the Department to insure adequate departmental work assignments. If a Civilian Jail Manager with at least one (1) year of employment, terminates his/her employment, he shall be eligible to receive payment for all earned and accrued, but unused, vacation time. In the case of death of the Civilian Jail Manager, said vacation time will be paid to the Civilian Jail Manager's estate. Upon completion of ten (10) years of service, a Civilian Jail

Manager may reserve two (2) weeks of vacation per year, not to exceed ten (10) weeks, to be taken as early retirement.

Vacation time shall not be carried over from one year to another without the express written authorization of the Employer. Any vacation time that is unused within the year granted, shall be deemed forfeited unless deemed otherwise by the Mayor.

A Civilian Jail Manager may use vacation time in not less than one-half (1/2) day increments (4 hours). Vacation time shall not be carried over from one year to another without the express written authorization of the Employer. Any vacation time that is unused within the year granted, shall be deemed forfeited unless deemed otherwise by the Chief and Mayor.

Employees must use at least two weeks of vacation leave each year. The employee may convert up to one week (5 days) of unused vacation to cash payment. Such payment will be made in the first day in February at the prior year's rate of pay (year of unused vacation).

Section 4. Insurances: The Employer shall provide each employee with either individual or family coverage, as appropriate, with the existing fully paid hospitalization and dental coverage as selected by the Employer. The Employer shall have the right to change insurance carriers, providing the insurance coverage is comparable to the existing coverage during the term of this Agreement.

For calendar year 2007, the Employer shall continue to maintain and pay the full premium for insurance coverage to the same extent that it existed on December 31, 2006, with no deductibles and prescription co-pays of \$5.00 for generic and \$10.00 for name brand drugs.

Prior to January 1, 2008 employees will be notified of an election of two plans. Effective January 1, 2008, employees selecting the first dollar, no deductible plan with \$5.00 – generic and \$10.00 – name brand prescription co-pays, shall be required to contribute \$50.00 per month for a single plan or \$100.00 per month for a family plan. Employee premium contributions to those who select the no deductible plan shall be by payroll deduction. Employees who select the United Health Care alternate plan with deductibles, increased co-pays and prescription co-pays of \$10.00 – generic and \$20.00 – name brand shall have no premium contribution.

The Employer shall provide life insurance in the amount of Fifteen Thousand Dollars (\$15,000.00) for each employee.

The Employer will provide vision care which will include or reimburse for an eye examination, one pair of eyeglasses or contact lenses for each covered individual and dependent (under the family plan) within policy limits. The Employer reserves the right, in its discretion, to change carriers or to self insure providing the vision care coverage is comparable.

The Employer shall continue to provide liability insurance in the present amount, providing such insurance continues to be available.

The dental coverage shall include a deductible of Fifty Dollars (\$50.00) per employee or One Hundred Fifty Dollars (\$150.00) maximum for family. The annual maximum benefit per covered individual will be \$1,500.00. Orthodontia shall be subject to plan limitations.

Section 5. Leave of Absence. A Civilian Jail Manager who temporarily must leave for military service, either for field training or active duty, shall be paid the difference between said Civilian Jail Manager's regular wages and the amount of the military pay he receives while serving as member of the Ohio National Guard, the Ohio Defense Corp., the Ohio Naval Militia, or any other Reserve Components of the armed services of the United States.

The Period of time for which the Director of Finance is authorized to make such payments shall not exceed the amount of thirty-one (31) days in a calendar year for any one Civilian Jail Manager.

A Civilian Jail Manager authorized an extended leave of absence does not earn credit towards sick leave, vacation, longevity, hospitalization or uniforms.

Section 6. Jury Duty. A Civilian Jail Manager who is called for jury duty, either Federal, county or Municipal shall be paid his/her regular rate of pay for any time lost, less any compensation received from such Court for jury duty, as provided for in the Ohio Revised Code.

Section 7. Longevity Pay. All Civilian Jail Managers will be awarded longevity payments at the rate of One Hundred Dollars (\$100.00) for each year of full-time service commencing on the Civilian Jail Manager's fifth (5th) anniversary date of full-time service. At that time, the Civilian Jail Manager will become entitled to a sum of Five Hundred Dollars (\$500.00), which will be paid in a lump sum on the first pay period ending after his/her anniversary date. Civilian Jail Managers with more than five (5) years of full-time service shall be entitled to the appropriate amounts as specified in the longevity payment schedule. Longevity shall continue to

be awarded on the Civilian Jail Managers successive anniversary dates according to this procedure and the following listed longevity schedule.

5th Anniversary	\$500.00	16th Anniversary	\$1,600.00
6th Anniversary	\$600.00	17th Anniversary	\$1,700.00
7th Anniversary	\$700.00	18th Anniversary	\$1,800.00
8th Anniversary	\$800.00	19th Anniversary	\$1,900.00
9th Anniversary	\$900.00	20th Anniversary	\$2,000.00
10th Anniversary	\$1,000.00	21st Anniversary	\$2,100.00
11th Anniversary	\$1,100.00	22nd Anniversary	\$2,200.00
12th Anniversary	\$1,200.00	23rd Anniversary	\$2,300.00
13th Anniversary	\$1,300.00	24th Anniversary	\$2,400.00
14th Anniversary	\$1,400.00	25th Anniversary	\$2,500.00
15th Anniversary	\$1,500.00		

Section 8. Sick Leave Benefits. Shall be given each full-time Civilian Jail Manager in accordance with section 124.38 of the Ohio Revised Code.

A Civilian Jail Manager who is absent from his/her employment for more than three (3) consecutive working days shall provide the Director of Finance with a doctor's certification stating the medical reason for his/her absence before honoring payment for same.

Sick leave shall be defined as an absence with pay necessitated by 1) illness or injury to the employee; 2) exposure by the employee to a contagious disease communicable to other employees; and/or 3) serious injury, illness or death in the employee's immediate family.

All full-time employees shall earn sick leave at the rate of four and six-tenths (4.6) hours for every eighty (80) hours worked, excluding over-time, and may accumulate such sick leave hours to an unlimited amount.

Any abuse of sick leave or the patterned use of sick leave shall be just and sufficient cause for discipline as may be determined at the sole discretion of the employer.

When the use of sick leave is due to illness or injury in the immediate family, "immediate family" shall be defined to only include the employee's spouse and children. When the use of sick leave is due to the death in the immediate family, "immediate family" shall be defined to only include the employee's mother, father, spouse, child, brother, sister, mother-in-law, father-in-law, grandparents, brother-in-law, sister-in-law, aunts and uncles.

Each employee who has accumulated in excess of seven hundred twenty (720) hours sick leave and has not used all the sick leave hours accumulated since December 31st of the previous year may receive payment for the unused sick leave accumulated during that year to the ratio of one (1) hour of pay for each three (3) sick leave hours (one-third of sick leave accrual for that year) and one (1) hour for each three (3) sick leave hours (one-third of sick leave accrual for that year) will be added to the members total accumulated sick leave. The eligible employee who has met the threshold amount of sick leave accumulation may, at his/her option, elect not to take the cash option but may continue to accumulate two-thirds (2/3) of his/her accrued sick leave for that calendar year. One-third of the annual unused sick leave shall be forfeited to the City each year upon accrual of the threshold amount The option to cash out one-third time or to accumulate two thirds must be made immediately after December 31st. Employees who opt for the cash conversion of sick leave will be paid in the first pay period in February at the prior year's rate of pay. Upon retirement of a full-time employee who has not less than ten (10) years of continuous service with the Employer and is eligible to receive payments from a state pension plan, he/she shall be entitled to receive a cash payment equal to his/her hourly rate of pay at the time of retirement multiplied by one-half (1/2) the total number of accumulated and unused sick leave hours, earned by the employee as certified by the Finance Director, providing that such resulting number of hours to be paid shall not exceed six hundred fifty (650) sick leave hours.

An employee eligible for cash payment pursuant to paragraph above, may, at his/her option, elect to take an early retirement with the monetary value of such cash payment being applied towards said early retirement.

Section 9. Funeral Leave. In the event of death of a spouse, child, parent, sister or brother of a Civilian Jail Manager, the Civilian Jail Manager shall be granted not more than three (3) consecutive days off with pay starting immediately after the death and one (1) day of the funeral, for the death of a mother-in-law or father-in-law. For each day of such leave, the employee shall be paid eight (8) hours pay at his/her regular hourly rate. The Employer may require adequate proof of death and attendance at the funeral. Funeral leave shall not be deducted from sick leave.

Section 10. Travel Allowance. A Civilian Jail Manager of the City may attend at the expense of the City, a conference or convention relating to municipal affairs, if authorized by the Mayor, and if the Director of Finance certified that the funds are appropriated for such purposes.

Mileage reimbursement is authorized to be paid to the Civilian Jail Manager who uses his/her personal automobile in the performance of his/her customary city duties and business.

Said mileage reimbursement shall be paid at the current rate per mile as allowed by federal law.

However, the Civilian Jail Manager desiring to obtain said reimbursement must obtain the Mayor's authorization, prior to utilizing his/her personal automobile for City business and said reimbursement must then be approved by the Director of Finance.

Section 11. Overtime for Non-Salaried Personnel. The standard work week for full-time personnel shall be forty (40) hours per week, eight (8) hours per day.

Any hours actually worked in excess of eight (8) hours per day or forty (40) hours per week shall be compensated at one and one-half (1½) times the hourly rate, excluding Department Heads.

In the event overtime hours are available, any overtime hours assigned may be paid in additional wages at the scheduled overtime rates or the employee may elect to use compensatory time off within the pay period it is earned. Hours of overtime worked shall be accumulated at the rate of 1 hour of overtime worked equaling 1.5 hours of accumulated compensatory time.

Section 12. Call-in-pay. Each non-salaried employee shall be guaranteed a minimum of three (3) hours call-in-pay, providing the hours worked do not abut the employee's regular hours of work.

Section 13. Assault Leave. A Civilian Jail Managers injured in the line of duty and/or injured by a prisoner or other member of the public at large while the Civilian Jail Manager is performing work in the line of duty, shall be eligible for paid injury leave as provided below.

- a) When a Civilian Jail Manager is injured in the line of duty as specified above while actually working for the City, he or she shall be eligible for a paid leave not to exceed ninety (90) calendar days. There will be a three (3) working day waiting period before this provision applies in which the employee may use accumulated sick leave. Should payments be made by the City to the employee for an injury that is subsequently found to be a non-compensable injury, such payments made by the City shall be deducted from the employee's accumulated leave credits, (sick leave, vacation, etc.)
- b) If at the end of this ninety (90) day calendar day period the employee is still disabled, the leave may, at the Mayor's sole discretion be extended for an additional ninety (90) calendar day period.
- c) The City shall have the right to require the Civilian Jail Manager to have a physical exam by a physician appointed by the City resulting in the physician's certification that the employee is unable to work due to the injury as a condition precedent to the employee's continuing to receive any benefits under the section. The designated physician's opinion shall govern whether the employee is actually disabled or not, but shall not govern whether the injury was duty related or whether the City shall extend the period of leave. If there should be a conflict between the employee's physician and the physician appointed by the City, a third physician shall be consulted whose opinion shall govern. This third physician shall be selected by a mutual agreement between the City and the employee, who shall share the costs equally.

Section 14. Equipment. A Civilian Jail Manager who is not covered by any collective bargaining agreement shall be allowed an equipment allowance to be paid in the following manners:

The City shall purchase authorized leather goods (e.g. boots, holsters and belts), for the Civilian Jail Manager when deemed necessary by the Civilian Jail Manager's immediate supervisor and with the subsequent approval of the Chief of police, not to exceed four Hundred Dollars (\$400.00).

Section 15. Educational Pay. Civilian Jail Managers shall be entitled to educational pay as follows:

- a) A Civilian Jail Manager who has received an Associate Degree or college credits equivalent to an AA in Law Enforcement, shall receive additional pay in the amount of Five Hundred Dollars (\$500.00), annually, which shall be payable in the last pay period in November of each year.
- b) A Civilian Jail Manager who has received a Bachelors Degree from an accredited college or university, shall receive additional pay in the amount of Six Hundred Dollars (\$600.00), annually which shall be payable in the last pay period in November each year.
- c) A Civilian Jail Manager who has received a Masters Degree or college credits from an accredited college or university, shall received additional pay in the amount of Seven Hundred Dollars (\$700.00), annually, which shall be payable in the last pay period in November of each year.

- d) A Civilian Jail Manager who has received a Doctorate Degree from an accredited college or university, shall receive additional pay in the amount of Eight Hundred Dollars (\$800.00), annually, which shall be payable in the last pay period in November each year.

Certified Officers shall receive only the stipend for their highest educational certification as set forth above.

Section 16. Personal Losses. Items of equipment or clothing necessary to job performance which are damaged, lost or destroyed while on the job that belong to the individual Civilian Jail Manager shall be replaced or repaired at City expense, not to exceed Two Hundred Dollars (\$200.00) per year only after approval of the employee's supervisor and Chief of Police. Items of clothing or equipment paid for by the City through an individual's purchase order shall be exempt from this provision.

Section 17. Wage. The Civil Jail Manager shall be paid at a base rate of pay not less than the base rate of pay for a Sergeant in the Police Department with equivalent years of seniority and not greater than a Captain with equivalent years of seniority exclusive of longevity pay.

Section 18. That this Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 19. That this Ordinance shall become effective as of January 1, 2007.

Section 20. 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 21. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary that Council establish the benefits and wages of the Civilian Jail Manager in the City of North Royalton.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: October 16, 2007

DATE APPROVED: October 17, 2007

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading October 16, 2007

YEAS: Stefanik, Bobulsky, Gentile, Willey,
McKee, Antoskiewicz, Uffman-Kirsch
NAYS: none