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# ORDINANCE NO. 10-16

**AN ORDINANCE ESTABLISHING WAGES AND OTHER COMPENSATIONS FOR ADMINISTRATIVE EMPLOYEES (Senior Leadership Team), EXEMPTED FROM THE FAIR LABOR STANDARDS ACT, OF THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.**

**WHEREAS,** this Council desires to make provisions for the salaries and wages and other provisions relating to administrative positions of employment. Administrative position is defined as salaried personnel who are exempted from Fair Labor Standards Act (FLSA) and appointed by the Mayor, Director of Law, Director of Finance, or Judge of Municipal Court (hereafter known as "appointing authority") of the City of Ashland, Ohio, in order to provide for the continued efficient, effective and adequate operation of the divisions of said City; and

**WHEREAS**, for the reason that it is immediately necessary to make such provisions for said salaries and wages in order to provide for the continued efficient, effective and adequate operation of said divisions of said City, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare, now therefore,

**BE IT ORDAINED** by the Council of the City of Ashland, State of Ohio, 5 members thereto concurring:

**Section 1.** That limits for salaries and other provisions relative to positions of administrative personnel in the City of Ashland are hereby established as follows:

## I. POSITIONS AND COMPENSATION

The various divisions of the City shall consist of the following administrative positions. Employees herein may receive compensation as set forth or within the respective ranges of amounts set herein. All compensation on a salary basis shall be paid biweekly. Once every eleven years there are 27 pays. The next time this occurs will be 2026, and in that year, salaries will be divided into 27 equal pays. Paychecks will be made available by direct deposit except when a special exception has been approved by the Appointing Authority. Salary ranges do not specify starting salary. The starting salary is dependent on qualifications.

| **Position Title** | **ANNUAL SALARY RANGE** |
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| Chief of Police | **$50,000.00 - $85,000.00** |
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| Chief of Fire | **$50,000.00 - $85,000.00** |
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| Director of Human Resources & Safety | **$50,000.00 - $85,000.00** |

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|---|---|
| Assistant Law Director | **$45,000.00 - $70,000.00** |
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| City Engineer | **$50,000.00 - $85,000.00** |
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| Director of City Services | **$45,000.00 - $85,000.00** |
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| ~~Director of Parks and Recreation~~ | ~~**$45,000.00 - $85,000.00**~~ |
| | |
| Director of City Utilities | **$50,000.00 - $85,000.00** |
| | |
| ~~Systems Administrator II~~ DIRECTOR OF INFORMATION TECHNOLOGY | **$45,000.00 - $85,000.00** |
| | |
| Assistant Finance Director | **$25,000.00 - $67,000.00** |
| | |
| Clerk of Courts | **$25,000.00 - $51,000.00** |
| | Per O.R.C. 1901.31 |

## II. EMPLOYEES' GROUP INSURANCE

The City shall continue to pay eighty percent (80%), including any increases thereof, of group insurance as designated by Council including but not limited to: medical, hospitalization, surgical and health care coverage.

The City shall provide, subject to limitations imposed by the insurance carrier, not less than $20,000.00 term life insurance group policy, as designated by Council, for each permanent employee whose total premium shall be paid by the City ~~effective April 1, 2006.~~

Deductions for health insurance and other benefits shall be made each pay period.

## III. OVERTIME COMPENSATION

No administrative employee will be entitled to overtime compensation.

## IV. VACATIONS

There is created, for and during the period of each calendar year, a vacation period for each of the administrative employees of the City. Each administrative employee must be employed by the City at the time the vacation is taken. When an employee's employment by the City terminates, the vacation benefit ceases. Eligibility for vacations shall be as follows:

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Employees whose first day as fulltime employee was prior to DEC 31, 2010:

- Immediately upon appointment – three weeks vacation.
- After the completion of seven years continuous service – four weeks vacation.
- After the completion of fourteen years continuous service – five weeks vacation.

Employees whose first day as fulltime employee is after JAN 01, 2011:

- Immediately upon appointment – two weeks vacation.
- After the completion of five years continuous service – three weeks vacation.
- After the completion of ten years continuous service – four weeks vacation.
- After the completion of fifteen years continuous service – five weeks vacation.

The amount of vacation, within the balance of the calendar year from the date of hire, shall be prorated in order that, thereafter, vacation awards shall be on a calendar-year basis.

Employees will receive full pay when taking vacation. Administrative employees will receive one fifty-second of their annual salary for each week of vacation.

If any employees entitled to vacation under this section are deceased before taking their vacation, their heirs or estates will receive the vacation pay the deceased employee would have received. Employees who resign or retire will receive their vacation pay, provided they give notice in writing to the appointing authority at least two weeks prior to their separation. Employees who are separated from employment by the City because of reduction in force will receive their vacation with pay before separation of employment. Vacation is awarded; therefore vacation payoff shall be for the balance remaining for the year.

Vacations are to be taken at such times and in such manner so as not to hinder or interrupt the operations of the various divisions and shall be at the discretion of the appointing authority. Vacation time shall be used no less than in one-day increments.

An employee may request that vacation time be carried over from one year to another, but not without the express written authorization of the appointing authority. This carry-over shall be limited to one week (40 hours) and determined on a case by case basis. Other amount of vacation time that is unused within the year granted, unless a carry-over is granted, shall be deemed forfeited. The deadline for requesting vacation carryover is the first day of November. Also, see City of Ashland C.O. 155.03

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## V. SICK LEAVE

Each administrative employee of the City of Ashland whose first day as fulltime employee was before December 31, 2010 will be credited fifteen (15) sick days January 1, 1997, and each January 1 thereafter. Each administrative employee of the City of Ashland whose first day as a fulltime employee is after January 01, 2011 will be credited ten (10) sick days January 1, 2011, and each January 1 thereafter. They must report to their appointing authority at the time they are not available to work, or if it is known in advance that, they will not be available due to illness.

Employees may use sick leave, upon approval of the appointing authority, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, or due to illness, or injury in the employee's immediate family. "Immediate family" shall be defined to only include the employee's spouse and children including non-residential children for whom the employee must assume temporary primary care, children shall be defined as being eighteen (18) years of age or younger; and the employee's parents, parents-in-law or grandparents in the event of a medical emergency that requires the presence of the employee or for whom the employee has primary care with verifiable evidence.

When sick leave is used for death in the immediate family, "immediate family" shall be defined as mother, father, brother, sister, child or step-child, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, legal guardian or other person who stands in the place of parent (in loco parentis) of employee or employee's spouse. Up to three (3) days of sick leave may be used for a death in the immediate family.

When sick leave is used, it shall be deducted from the employee's accrued balance of sick leave on the basis of eight hours for every day of absence.

Each employee, at the time of retirement from active service with the City and with ten or more years of service with the City, may elect to be paid in cash for one-fourth of the value of his accrued, but unused sick leave credit. Such payment shall be based on the employee's rate of pay 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. The maximum payment that may be made under this paragraph shall be for one-fourth of 344 days. A "day," within the meaning of this paragraph, shall consist of eight (8) hours.

In the event of the death of an active employee of the City, having at the time of death ten or more years of service with the City, the estate of such employee shall be entitled to be paid in cash for one-fourth of the value of his accrued but unused sick leave credit, subject to the same limitations and provisions as set forth above.

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In order to receive compensation while absent on sick leave, each employee shall promptly take steps, in the manner as may be specified by the appointing authority, to notify his immediate superior of his illness and, thereafter, shall make written application for such compensation. Written application shall be the signed absence report.

Involuntary Disability Separation. An employee who is unable to perform the functions of his/her position due to illness or injury for a period of not less than ninety (90) days and who is unable to provide a point in time at which he/she may be able to return to full duty, may be subject to Involuntary Disability Separation. With the Approval of the Appointing Authority, the administrative employee may receive payment in full of accrued benefits, including sick leave and may be eligible to receive a severance payment.

## VI. HOLIDAYS

All administrative employees of the City shall receive a regular working day's pay for the following holidays: New Year's Day, President's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving, the Day After Thanksgiving and Christmas. Administrative employees are not scheduled to work these holidays.

## VII. INJURY LEAVE

Any employee who suffers a compensable work related injury or occupational illness may elect to receive wage continuation in lieu of compensation paid by the Ohio Bureau of Workers' Compensation per the City of Ashland Wage Continuation Program as provided in the Employee Handbook.

## VIII. FUNERAL LEAVE

This benefit intentionally removed as salaried employees may take the necessary time off while maintaining responsibilities of Division.

## IX. ADMINISTRATIVE LEAVE

Administrative Leave may be granted to the employee upon approval of the Appointing Authority and Division Director. Such leave shall be without pay and shall not be used in conjunction with sick leave or FMLA, unless specifically requested by the employee and approved by the appointing authority. The appointing authority may determine to continue benefits during the period of absence upon a showing of good cause.

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## X. MISCELLANEOUS

### A. ~~Payroll Savings~~

~~A payroll deduction shall be made available to all employees wishing to enroll in a payroll savings plan.~~

### B. Christmas Gift

Each permanent employee, who is employed with the City as of November 15th, may receive as part of his or her compensation for his or her services, in addition to any and all compensations otherwise provided, a gift card, certificate or cash in the amount of $20.00 to be presented to each employee during the Christmas holiday season.

### C. Education

An administrative employee, who has received an Associate Degree in a field of study complimentary to his /her administrative responsibilities, shall receive additional pay in the amount of three hundred dollars ($300.00) annually.

An administrative employee who has received a Bachelor of Arts or a Bachelor of Science Degree in a field of study complimentary to his/her administrative responsibilities shall receive additional pay in the amount of nine hundred dollars ($900.00) annually.

Any administrative employee having a Bachelor of Arts or a Bachelor of Science degree that has successfully completed (A or B average) thirty (30) post graduate hours in a field of study complimentary to his/her administrative responsibility shall receive an additional amount of three hundred dollars ($300.00) annually, or

Any administrative employee having a Bachelor of Arts or a Bachelor of Science degree that has successfully completed (A or B average) a Masters Degree in a field of study complimentary to his/her administrative responsibility shall receive, in addition to compensation for the Bachelor of Arts or Bachelor of Science degree, an additional amount of five hundred dollars ($500.00) annually.

Administrative employees holding a degree or in pursuit of a Masters Degree as indicated above shall submit a copy of transcript of degree to the Director of Human Resources upon the passage of this ordinance or upon receiving the degree. Any employee receiving a degree within the year shall be on a pro-rata basis.

Employees with multiple college degrees as of December 31, 2011 may receive multiple education stipends. Employees who attain multiple college degrees after

December 31, 2011 are entitled to receive only one education stipend for their highest degree.

Payment of this stipend shall be paid on or before the first of December each year. Education stipends shall not apply to Administrative personnel whose first day as a fulltime employee for the City of Ashland is after January 1, 2011.

**D. Vehicle**
Administrative employees may, at the direction of the Appointing Authority, have the use of a City owned vehicle for transportation to and from work. The value of said benefit will be reflected on the employee's W2, and they are responsible for any taxes due. Exempted from paying vehicle tax are police and fire chiefs per the Internal Revenue Service Code.

**E. Bonds**
The Appointing Authority is authorized and directed to purchase a faithful performance blanket honesty or position bond covering all appointed City officials. Each City official is required to be bonded in the amount of fifty-thousand dollars ($50,000). (reference Codified Ordinance 155.04 and Charter Section 18)

**F. Personal Property Damage – Police and Fire**
The Chief of the Police Division and the Chief of the Fire Division shall be reimbursed up to three hundred dollars ($300.00) for the repair or replacement of personal attire if damaged in the line of duty and not due to the employee's negligence. Such reimbursement must be approved by the appointing authority.

**G. Uniform Allowance – Police Chief and Fire Chief**
The Police Chief who is in the Classified category of Civil Service shall receive an annual allowance of up to six hundred seventy-five dollars ($675.00) for the purchase of uniforms upon presentation of a receipt of purchase.

The Fire Chief who is in the Classified category of Civil Service shall receive an annual allowance of up to six hundred seventy-five dollars ($675.00) for the purchase of uniforms upon presentation of a receipt of purchase.

**H. Director's Stipend**
A Director's Stipend of five hundred dollars ($500.00) shall be given to each Administrative employee for his or her responsibility to administer a division of the City's services to the community with professionalism and efficiency and to serve as advisor to the mayor in specialized areas of expertise by approval of the Appointing Authority.

Payment of this stipend shall be paid on or before the first of December each year. Director's stipend shall not apply to directors whose first day as a full-time employee for the City of Ashland is on or after January 1, 2009.

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**I. Jury Duty**

An employee required to be available for jury selection, services, or an employee who is subpoenaed as a disinterested witness (no character witness, financial or other interest in outcome of trial) for a criminal or civil trial shall suffer no loss in pay, providing any fees, or payments received by the employee are surrendered to the Employer. A salaried employee, in a qualifying event of one full day in duration, will suffer no loss of accrued benefit providing any fees or payments received by the employee are surrendered to the Employer.

**Section 2.** The benefits provided herein shall be effective from January 1, 2015 and shall remain in effect until further action by Council. Wage and salary benefits may be implemented as follows for administrative employees with one year's continuous employment with the City. Effective the first full pay period of January 2016, employees shall receive a 2% wage increase.

A) Any wage or salary granted in accordance with the provisions of this Ordinance for administrative employees may only be granted with approval of the Mayor, or Director of Finance, or Director of Law, or Judge of the Ashland Municipal Court. Also with the approval of a majority of City Council, administrative employees may be granted a temporary wage increase while performing duties of a position temporarily vacated due to extended sick leave, retirement, or other extended Leave of Absence. Paychecks will be made available by direct deposit except when a special exception has been approved by the Appointing Authority.

**Section 3.** In the event this ordinance is not passed by the first pay of 2016, the above described wage or salary shall be retroactive to ~~January 1, 2016~~ DECEMBER 27, 2015 for current employees only.

**Section 4.** The rate of base compensation (i.e. not including other benefits, such as, but not limited to, holiday compensation, sick leave conversion upon retirement, working during one week of vacation, etc.) paid to administrative employees for any individual pay period during the effective period of this Ordinance shall at no time be in excess of the base salary or hourly wage range or specific amount, as the case may be, as set forth in this Ordinance.

**Section 5.** This ordinance shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

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Passed: February 16, 2016

Ruth Detrow, President of Council

Attest: Jody Toms, Clerk of Council

Approved: Glen P. Stewart, Mayor

Approved as to form and correctness:

Richard P. Wolfe II, Director of Law

Date: February 16, 2016