III

ORDINANCE NO. 11-16

AN ORDINANCE ESTABLISHING LIMITS FOR WAGES AND DETERMINING OTHER PROVISIONS RELATIVE TO POSITIONS OF EMPLOYMENT OF ALL OTHER PERSONNEL FOR AREAS NOT INCLUDED IN ANOTHER WAGE OR SALARY ORDINANCE IN 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 certain positions of employment 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, wages, and other provisions relative to positions of employment of personnel not previously included in a wage or salary ordinance 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 created positions, except as otherwise authorized. 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 in 27 equal pays. Paychecks of intermittent and seasonal employees shall be placed in individual sealed envelopes Paychecks for all full time employees will be made available by direct deposit except when a special exception has been approved by the Appointing Authority. Wage and salary ranges do not specify starting wages or salary. The starting wage or salary is dependent on qualifications.

Position Title	Daily Rate	Biweekly Rate	Hourly Wage Range
POLICE			
Part-time Police Officers			$15.45 - $18.50
School Crossing Guards	$20.00		
Clerks-Intermittent- vacant			$10.00 - $15.00

III

FIRE			
Fire Fighter - Probationary			$ 11.00 - $16.00
PARKS & RECREATION			
Pro-Shop Assistant - Intermittent			State minimum wage - $12.00
Recreation Program Coordinator(s) Seasonal		$125 - $430	
Bandshell Workers – Summer Intermittent			State minimum wage - $18.00
Tennis Instructor – Seasonal Intermittent		$525.00 - $1,900.00	
Tennis Court Aide(s) – Seasonal Intermittent			State minimum wage - $10.75
Mini Golf Course Workers -Seasonal			State minimum wage - $12.00
Swimming Pool Manager - Seasonal		$2,100.00 - 6,600.00	
Assistant Swimming Pool Manager -Seasonal		$1,892.00 - 5,150.00	
Lifeguards -Seasonal			State minimum wage - $13.00
Lifeguard Supervisor - Seasonal			State minimum wage - $14.00
Swimming Pool Groundskeeper(s) Seasonal			State minimum wage - $11.00
Intermittent Laborers			State minimum wage - $15.00
GOLF COURSE			
Intermittent Laborers			State minimum wage - $15.00
Assistant Pro Shop Mgr			State minimum wage - $17.00

III

FINANCE			
Clerical Worker(s)			State minimum wage - $19.00
INCOME TAX			
Clerical Worker(s)			State minimum wage - $19.00
ENGINEERING			
Intermittent			State minimum wage - $15.00
BUILDING & ZONING			
Intermittent			State minimum wage - $15.00
LAW DIVISION			
Special Counsel to the Law Director			Professional fees within accepted Bar Association Standards
Clerical Worker(s) as needed, to be appointed by the Law Director			State minimum wage - $16.00
Special Investigator(s) Intermittent			State minimum wage - $16.00
STREET			
Intermittent			State minimum wage - $15.00
MUNICIPAL COURT			
Acting Judges as needed			Per ORC 1901.21
CCA Secretary			Set by board of CCA Grant
CCA Probation Officer			
Chief Probation Officer			Per O.R.C. 1901.33
Bailiff/PT Probation Officer			Per O.R.C. 1901.32/1901.33
Security/Deputy Prob.			Per O.R.C.

III

Officer/Bailiff			1901.32/1901.33
Deputy Clerks			Per O.R.C. 1901.31
Deputy Bailiffs			Per O.R.C. 1901.32
Probation Officers		$263.00 - $ 1,700.00	
Magistrate, Mediator			Set by Court (in accordance with the provisions of ORC 1901)
SEWER			
Intermittent -vacant			State minimum wage - $15.00
WATER DISTRIBUTION			
Intermittent-vacant			State minimum wage - $15.00
WATER TREATMENT/ POLLUTION			
Intermittent-vacant			State minimum wage - $15.00
SANITATION			
Intermittent			State minimum wage – $15.00
INTERN			
Internships within the City			$0.00 - $15.00

II. 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. All permanent employees with a workweek of thirty (30) hours or more are eligible for Group Insurance.

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 all permanent employees with a workweek of thirty-two (32) hours or more. The 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

III. OVERTIME

Each permanent and temporary hourly employee of the City, exclusive of seasonal employees of the Division of Parks & Recreation, who is employed thirty-two hours or more per week by the City, shall be paid at the rate of one and one-half (1½) times his or her hourly rate of pay for each hour he or she is required to work excluding standing by, within a calendar week, in excess of a forty hour work week, including (as to permanent employees only) holidays and vacation, provided such overtime work is determined by the division head to be necessary and said determination is approved by the elected position, and further provided that in no event shall one and one-half (1½) times the hourly rate of compensation be paid unless the employee works in excess of forty (40) hours in said week.

IV. VACATIONS

There is created, for and during the period of each calendar year, a vacation period for each of the permanent employees of the City with a minimum work week of thirty-two (32) hours. Each 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. Employees Eligibility for vacations shall be as follows:

- After the completion of one year continuous service – two weeks vacation.
- After the completion of seven years continuous service – three weeks vacation.
- After the completion of fourteen years continuous service – four weeks vacation.
- After the completion of twenty 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 accrual and wages 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.

III

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-hour 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

V. SICK LEAVE

Employees of the City of Ashland whose regularly scheduled service consists of thirty-two hours or more shall be entitled to sick leave. Employees working a forty hour or more work week shall earn four and six-tenths (4.6) hours per each completed eighty hours of service. Employees working a thirty-two hour work week shall earn three and sixty-eight hundredths (3.68) hours per each completed sixty-four hours of service. Employees may use sick leave, upon approval of the division director, 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 death in the immediate family.

When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work (no less than one-hour increments) unless otherwise approved by the Appointing Authority (elected officials).

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. Due to the

varying work schedules of employees of the City, a "day," within the meaning of this paragraph, shall consist of the number of hours as follows:

1) 6.4 hours for a regular work week of 32 hours
2) 8.0 hours for a regular work week of 40 hours
3) In the case of any other regular workweek, in excess of 32 hours, the number of hours in a "day," for the purpose of this provision, shall be determined by dividing the number of hours of the regular workweek by five, and the result thereof being the number of hours in a day for that work schedule.

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.

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 division head, to notify his immediate superior of his illness and, thereafter, shall make written application for such compensation.

Employees shall receive one (1) day of vacation bonus for perfect attendance for any fixed three (3) month period the employee does not use any sick leave. Such time must be taken within one (1) full year of the date earned or it will be forfeited. Usage of such bonus shall be in whole days. Injury leave used pursuant to Section VII or Funeral Leave pursuant to Section VIII shall not affect the earning of such bonus. Time off for disciplinary action per the City of Ashland Standards of Conduct will cause the employee to be ineligible to earn a bonus day for the fixed period. Fixed periods to be: Fixed periods to be: January 1 – March 31; April 1 – June 30; July 1 – September 30; October 1 - December 31.

Perfect attendance days shall not apply to permanent full-time hourly employees whose first day as a fulltime employee for the City of Ashland is after JAN 01, 2009.

When sick leave abuse may be indicated and before an absence may be charged against accumulated sick leave, the Appointing Authority may require proof of illness, injury or death as may be satisfactory to the Appointing Authority, or may require the employee to be examined by a physician designated by the Appointing Authority and paid by the Employer.

If an employee fails to submit adequate proof of illness, injury or death upon request, or in the event that such proof is submitted or upon the report of medical examination, the Appointing Authority finds there is not satisfactory evidence of illness, injury or death sufficient to justify the employee's absence, such leave may be considered an unauthorized leave and shall be without pay, as well as subject to disciplinary action.

III

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 permanent hourly employees of the City contained in this ordinance who are employed thirty-two hours or more per week by 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 and one personal holiday. (An employee shall earn personal time based on average regular hours worked per week.) To be eligible to receive any holiday compensation, as herein provided, an employee must have been continuously employed with the City for at least thirty (30) days. To be eligible for the personal holiday an employee must be continuously employed with the City for at least ninety (90) days. Said personal holiday shall be taken within the calendar year and may be taken as a whole day or any part thereof, but is subject to the approval of the appropriate division head.

Personal holiday bonus shall not apply to unclassified administrative support staff whose first day as a fulltime employee for the City of Ashland is after JAN 01, 2009.

Any permanent hourly employee required to work a day which is a City recognized holiday, said work being part of the employee's regularly scheduled service, shall be paid at the rate of one and one-half (1½) times their regular rate for such service, in addition to receiving their holiday compensation provided for herein; or, with the approval of the division director and the appointing authority shall be paid at their regular hourly rate for such service, and shall be granted a day off later within the current calendar year, receiving holiday compensation at that time.

VII. INJURY LEAVE

Any employee who suffers an occupational work related injury or occupational illness may elect to receive wage continuation in lieu of compensation from the Ohio Bureau of Workers' Compensation per the City's Wage Continuation Program as described in the Employee Handbook.

VIII. PERMANENT FULL-TIME EMPLOYEES' FUNERAL LEAVE

To qualify for funeral leave, the employee must be permanent working no less than 40 hours per week.

III

In the event of death in the immediate family of an employee, the employee may be granted leave, with full pay, not to exceed two (2) workdays, or the equivalent total number of hours equaling two (2) workdays, to make household adjustments or to attend funeral services.

"Immediate family" shall be defined to include only the employee's parents, spouse, child, step-child, brother, brother-in-law, sister, sister-in-law, parents-in-law, grandparents, grandchild, niece and nephew.

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.

X. MISCELLANEOUS

A. ~~**PAYROLL SAVINGS**~~

~~A payroll deduction shall be made available to all qualifying full-time 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. JURY DUTY

An hourly employee required to be available for jury selection or 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.

D. LAY OFFS

Any employee in this ordinance who is currently drawing retirement from a retirement system including but not limited to Public Employees Retirement System and Police and Fire Retirement System, shall be the first employee laid off where because of lack of work, lack of funds or reorganization resulting in

abolishment of job or functions, the employer determines it necessary to reduce the size of its work force.

XI. **PROBATIONARY FIREFIGHTER/PARAMEDICS.** This is the only section in this wage ordinance that applies to Probationary firefighter/paramedics unless noted otherwise.

a) **PROBATIONARY PERIOD**—All newly hired employees will be required to serve a probationary period of one (1) year from the time of completing all special training requirements as specified by the position description, not to exceed a total of two (2) years, from the date of appointment. During such period, the Employer shall have the sole discretion to discipline or discharge such employee(s). Any such action shall not be appealable through any grievance or appeal procedure contained in the Bargaining unit contract, or to the Civil Service Commission. The probationary firefighter may receive a pay raise as approved by the appointing authority.

b) **TRAINING/CERTIFICATION**—Successful completion of Paramedic Training and State Certification as a Paramedic is a condition of employment. Successful completion of the State mandated career firefighter training and State of Ohio certification as Firefighter II is a condition of employment.

c) **WAGES**— (See: I Positions and Compensation)

d) **CLOTHING ALLOWANCE**—Clothing allowance will be given to the probationary firefighter in one check in the amount of five hundred fifty dollars ($550.00) on their first pay day. If the employee voluntarily resigns, his clothing allowance shall be recalculated and prorated according to time employed and amount owed the City will be deducted from his pay. If terminated by the City, no amount will be returned to the City. The second year their clothing allowance will be six hundred fifty dollars ($650.00). Said allowances shall be payable in quarterly installments.

e) **PERSONAL TIME**—Probationary firefighters shall receive one personal day equivalent to one day of their regularly scheduled duty day. Personal time is earned after ninety (90) days of employment and must be used in the calendar earned. The personal time may be used in hour increments and must be approved by the Fire Chief.

f) **ABILITY TEST**–The probationary firefighter shall be required annually to successfully complete an ability test related to such employee's duties. Any employee who fails to successfully complete the ability test may be terminated. The City shall provide an annual physical examination.

g) **HOLIDAYS**—Probationary firefighters shall receive the following paid holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving and Christmas Day providing the employee works his last regularly scheduled workday before the holiday, the holiday (if scheduled), and the first scheduled workday after the holiday, unless excused by the Chief. The schedule may be modified to meet the needs of the Fire Division. Probationary firefighters

who work the holidays shall receive their overtime rate for all the hours actually worked therein. All hours actually worked on Easter shall also be at their overtime rate.

h) **STANDBY**—Probationary firefighters assigned standby duty shall be paid the amount of $1.00 for each hour of standby duty, regardless of whether the firefighter is recalled to work or not.

i) **LIGHT DUTY**—Probationary firefighters who are assigned light duty shall receive the same wages and benefits as before light duty except standby pay.

j) **INJURY LEAVE**—Injury leave shall be the same as described in City Policy for non-union employees.

k) **SICK LEAVE** – Same as described in Section V.

l) **FUNERAL LEAVE**—an employee shall be granted time off with pay for the purpose of preparing for or attending a funeral of the employee's immediate family. The employee shall be entitled to a maximum of one (1) tour of duty (24 hrs) or two (2) work days (8 or 9 hrs.), as appropriate, for each death in his immediate family. For this purpose, "immediate family" shall be defined to only include the employee's spouse, children and their spouses, dependent(s) living in the home of the employee and the employee's parents and parents-in-law.

m) **OVERTIME RATE**—Overtime rate for hours over their regularly scheduled time is one and one half (1½) times their hourly rate.

n) **VACATION**—Probationary firefighters shall earn and use vacation according to City Policy. Probationary firefighters hired after January 1st shall be prorated based upon the number of hours actually worked, and date hired. Cannot be used until after the completion of one year.

o) **PAYCHECKS**—Paychecks will be issued every other Friday, but available to be received by Probationary firefighters after 1530 hours on Thursday. The paychecks for firefighters and officers will be for the average pay period of 104 hours unless otherwise specified by the Fire Chief to accommodate the different work schedules. Accrued leave will be used and documented by the average workweek method. Paychecks will be made available by direct deposit except when a special exception has been approved by the Appointing Authority.

p) **JURY DUTY**—A Probationary firefighter required to be available for jury selection or service 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.

q) **FMLA**—According to City Policy.

r) **WORK WEEK**—the normal work week shall be an average of fifty-two (52) hours per week on a three (3) platoon system, unless otherwise modified due to the needs of the Department. Probationary firefighters working less than fifty-two (52)

III

hours per week shall have their hourly rates and leave credits modified appropriately.

Section 2. The benefits provided herein shall be effective from January 1, 2016 and shall remain in effect until further action by Council. Wage and salary benefits may be implemented as follows for those permanent 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 any City employee may only be granted with approval of the Mayor, or Director of Finance, or Director of Law, or Judge of the Ashland Municipal Court taking into consideration the division director's recommendation and/or employee evaluations. Also with the approval of a majority of City Council, 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, overtime, holiday compensation, sick leave conversion upon retirement, working during one week of vacation, etc.) paid to any employee 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.

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