

# RECORD OF ORDINANCES

## VILLAGE OF MCCONNELSVILLE

Ordinance No. 17- 1      Passed the 7<sup>th</sup>      day of      February      2017

**AN ORDINANCE ESTABLISHING EMPLOYMENT POSITIONS; EMPLOYEE COMPENSATION; EMPLOYEE BENEFITS; AND INCREMENT PAY FOR WATER AND SEWER LICENSES**

**WHEREAS**, the Village of McConnelsville wants to establish a clearly defined pay and benefit schedule, and

**WHEREAS**, the Village of McConnelsville wants to establish clearly defined employment positions, and

**WHEREAS**, it is deemed to be beneficial for the Village to reward expertise and encourage continuing education and training for its employees, and

**WHEREAS**, the Council of the Village of McConnelsville has determined that a necessity exists to establish a procedure for issuing pay raises for employees obtaining water and wastewater certification, and

**WHEREAS**, the Council has the authority from time to time to alter the pay and benefits made to employees of the Village of McConnelsville

**NOW THEREFORE BE IT ORDAINED**, by the Council of the Village of McConnelsville, County of Morgan, State of Ohio as follows:

**SECTION 1: Index.**

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**SECTION 2: Establishment of Positions.**

- A. Village Administrator: The Village establishes the position of Village Administrator. The Village Administrator shall report directly to the Mayor. The duties of the Village Administrator are set forth in Ohio Revised Code §735.273. The Village Administrator shall be the Department Head for all departments with the exception of the Police Department and Income Tax Department.
  
- B. Fiscal Officer: The Village establishes the position of Fiscal Officer. The Fiscal Officer shall report directly to the Mayor. The duties of the Fiscal Officer are identical of those of a Fiscal Officer as set forth in Ohio Revised Code §733.262. The Fiscal Officer shall be the Tax Administrator and is the Department Head of the Income Tax Department.
  
- C. Chief of Police: The Village establishes the position of Chief of Police. The Chief of Police shall report directly to the Mayor. The duties of the Chief of Police are identical to those of a Village Marshal as set forth in Ohio Revised Code §737.19. The Chief of Police shall be the Department Head for the Police Department.
  
- D. Police Captain: The Village establishes the position of Police Captain. The Police Captain shall report directly to the Chief of Police. The duties of the Police Captain are to assist the Chief of Police in his administrative duties and to act as a Law Enforcement Officer for the Village. In the absence of the Chief of Police or as directed by the Chief of Police; the Police Captain shall supervise the Patrolmen and Part-time Patrolmen. The powers of the Police Captain are the same as that of a Patrolman as set forth in subsection "E" below.
  
- E. Patrolman: The Village establishes three (3) positions called Patrolman. The Patrolman shall report directly to the Chief of Police or in his absence; the Police Captain. The Patrolman shall act as a Law Enforcement Officer for the Village. The Patrolman shall have the powers conferred by law upon Police Officers in all Villages of the State, and such other powers, not inconsistent with the nature of their offices; as are conferred by Ordinance.
  
- F. Part-Time Patrolman: The Village establishes an undefined number of positions called Part-Time Patrolman. The Part-Time Patrolman shall report directly to the Chief of Police and shall work at the discretion of the Chief of Police with the approval of the Mayor to provide police protection during special events, emergencies, vacations, absences, and other times as deemed advisable by the Chief of Police. The duties of the Part-Time Patrolman shall be the same as the position of Patrolman; however, Part-Time Patrolman shall not be considered a full-time employee of the Village and shall not receive the benefits received by full-time employees of the Village as set forth in this ordinance.
  
- G. Parking Enforcement Officer: The Village establishes the position of Parking Enforcement Officer. The Parking Enforcement Officer shall report directly to the Chief of Police. The authority of the Parking Enforcement Officer shall be limited to the enforcement of Ordinances governing parking in handicapped parking locations, fire lanes, metered spaces, and other locations as specified by the ordinance. The Parking Enforcement Officer is a part-time position. Any person hired into this position after the date of this ordinance will be part-time and will not receive any benefits such as paid sick leave, holidays; or, paid vacation. This position will not exceed nineteen (19) hours per week unless authorized by the Mayor.

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- H. Clerk of Courts: The Village establishes the position of Clerk of Courts. The Clerk of Courts shall report directly to the Mayor. The Clerk of Courts shall attend all Mayor's Court hearings; and, at the direction of the Mayor shall assist with the operation of the Court; and, shall perform such other duties as are mandated by the Ohio Revised Code and Mayor's Court Rules to be performed by the Clerk of a Mayor's Court. The positions of Clerk of Courts and Administrative Assistant may be filled by same person.
- I. Administrative Assistant: The Village establishes the position of Administrative Assistant. The Administrative Assistant shall report directly to the Village Administrator. The Administrative Assistant shall have basic computer and keyboarding skills; bookkeeping and accounting knowledge; and, public relation abilities. The Administrative Assistant shall function as the Receptionist at the Village's business office; Clerk of Courts; and, as secretary for the Village Administrator and Mayor. The Administrative Assistant also shall act as the Village's Utility Clerk by maintaining the records; accounts; correspondence; and, receipts of the Utility Department.
- J. Tax Commissioner: The Village establishes the position of Tax Commissioner. The Tax Commissioner shall report directly to the Fiscal Officer. The Tax Commissioner shall have basic computer and keyboarding skills; bookkeeping and accounting knowledge; and, public relation abilities. The duties of the Tax Commissioner are set forth in the Income Tax Ordinance of the Village. The Tax Commissioner shall report directly to the Tax Administrator.
- K. Part-Time Administrative Assistant: The Village establishes the position of Part-Time Administrative Assistant. The Part-Time Administrative Assistant shall have basic computer and keyboarding skills; bookkeeping and accounting knowledge; public relation abilities, secretarial skills; and, perform all the duties as the Administrative Assistant and assist as the Tax Commissioner. The Part-Time Administrative Assistant shall report directly to the Village Administrator.
- L. General Foreman: The Village establishes the position of General Foreman. The General Foreman will report directly to the Village Administrator. The General Foreman will assist the Village Administrator in his various duties as assigned. The General Foreman will also serve as the Village Inspector on various projects. The General Foreman will oversee the maintenance and repair for all grounds and buildings owned by the Village; the Sewer, Water and Street Departments; and, anything else as deemed necessary by the Village Administrator with the exception of the Waste Water Treatment Plant and buildings.

The General Foreman shall organize the daily operations of the Street, Utilities, and Grounds Departments; as well as other duties set forth in related ordinances. The General Foreman shall instruct the Street Foreman to carry out any duties given to him, by assigning them to the Laborers. In the absence of the General Foreman the Street Foreman will organize the daily operations of the Street, Utilities, and Grounds Departments; as well as other duties set forth in related ordinances.

The General Foreman shall be required to have and maintain a State of Ohio Class I (one) Water Distribution License.

- M. Street Foreman: The Village establishes the position of Street Foreman. The Street Foreman shall report directly to the General Foreman; and, in his absence

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to the Village Administrator. The duties of the Street Foreman are to supervise the Laborers as needed in the absence of; or, at the direction of the General Foreman and to see that any work that is assigned to him by the General Foreman is carried out. The Street Foreman will also take on the responsibilities of the General Foreman in his absence. The Street Foreman shall be required to have and maintain a State Ohio Class I (one) Water Distribution License.

- N. Waste Water Treatment Plant Operator: The Village establishes the position of Waste Water Treatment Plant Operator. The Waste Water Treatment Plant Operator shall possess an Ohio Class II or better Waste Water Treatment License and shall be the Operator of Record.

The Waste Water Treatment Plant Operator shall report directly to the Village Administrator. The duties of the Waste Water Treatment Plant Operator are; but, are not limited to the supervision of the operation of the Waste Water Treatment Plants, Sewer Pump Stations and Main Sewer Trunk lines to the Waste Water Treatment Plant including the equipment, buildings, grounds, and vehicles of the Sewage Department.

When approved by the Village Administrator; or, during an emergency the Waste Water Treatment Plant Operator shall assist the Street, Utilities, and Grounds Departments under the supervision of the General Foreman.

- O. Laborer: The Village establishes up to five (5) positions called Laborer. The Laborer's shall report directly to the General Foreman. In the absence of the General Foreman; or, at the direction of the General Foreman the Laborers shall report to the Street Foreman

The Laborers at the direction of the General Foreman, shall maintain, operate, construct, inspect, and repair the Village's streets, grounds, utilities, buildings, and equipment. When approved by the Village Administrator or General Foreman, Laborers shall assist the Sewage Department under the supervision of the Waste Water Treatment Plant Operator.

- P. Part-Time Position: The Village establishes an undetermined amount of Part-Time Positions. The Part-Time Positions will be defined as any position that is filled which the employee works less than 30 hours. The Part-Time Positions can be for any position that the Village has as described in this ordinance. The qualifications for Part-Time Positions will be the same as for the regular full-time position they would be hired for.

The Part-Time employee shall report to whomever is in charge of the department they are assigned to. The Part-Time employee shall work at the discretion of the Village Administrator, Police Chief; or, Mayor to provide additional labor during special events, emergencies, vacations, absences; and, at any other times for such periods as deemed advisable by the Village Administrator, Police Chief; or, Mayor. The duties of the Part-Time employee shall be the same as the position they were hired for.

A Part-Time employee can be permanent or temporary. A Part-Time employee shall not be considered a full-time employee of the Village; and, shall not receive the benefits received by full-time employees of the Village as set forth in this ordinance or any other ordinances; with the exception of Mike Chern, the Parking

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Enforcement Officer. Upon his hiring as the Parking Enforcement Officer, this position earned vacation and sick leave benefits.

- Q. Temporary Position: The Village establishes an undetermined amount of Temporary Positions. The Temporary Position will be defined as any position described in this ordinance that shall be filled on a temporary basis. The length of time does not have to be determined when an individual is hired; it only has to be known that the position will be temporary. The qualifications for the Temporary Position will be the same as for the regular full-time position they would be hired for.

The Temporary employee shall report to whomever is in charge of the department they are assigned to. The Temporary employee shall work at the discretion of the Village Administrator, Police Chief; or, Mayor to provide additional labor during special events, emergencies, vacations, absences; and, at any other times for such periods as deemed necessary by the Village Administrator, Police Chief; or, Mayor. The duties of the Temporary Employee shall be the same as the position they were hired for.

A Temporary Employee shall not be considered a full-time employee of the Village; and, shall not receive the benefits received by full-time employees of the Village as set forth in this ordinance or any other ordinances; with the exception of Mike Chern, the Parking Enforcement Officer. Upon his hiring as the Parking Enforcement Officer, this position earned vacation and sick leave benefits.

All positions will be required to serve a six (6) month probationary period; in which they will be evaluated by the Department Head. If the position is a Department Head, the evaluation will be performed by the Mayor. After the evaluation is completed, a decision will be made to either put the employee on a permanent status; or, terminate the employee. This will not affect positions that will work less than six (6) months.

### **SECTION 3: Salary Range and Rates.**

#### A. Salary Employees

1. Village Administrator. The Village Administrator shall be paid an annualized salary within the range of \$28,500.00 to \$65,000.00.
2. Fiscal Officer. The Fiscal Officer shall be paid an annualized salary within the range of \$25,000 to \$40,000.
3. Chief of Police. The Chief of Police shall be paid an annualized salary within the range of \$28,500.00 to \$55,000.00.

#### B. Hourly Employees

1. Part-Time Patrolman. A Part-Time Patrolman shall be paid at a regular hourly rate of \$12.00 per hour.
2. Probationary Patrolman. A Probationary Patrolman shall be paid a regular hourly rate of \$13.00 per hour during his/her six (6) month probationary period; and, until one year of service is completed. The Mayor and Chief of Police may hire an officer at a higher rate of pay if the officer's experience dictates a need for more compensation. This rate of

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pay will be within the "Patrolman's" hourly rate. If an officer is hired with an elevated rate of pay, he/she will be required to complete the six (6) month probationary period.

3. Patrolman with one year of service. A Patrolman shall be paid a regular hourly rate of \$13.50 after his/her first year of service is completed.
4. Patrolman. A Patrolman shall be paid a regular hourly rate within the range of \$13.50 to \$19.00 per hour.
5. Police Captain. The Police Captain shall be paid a regular hourly rate within the range of \$15.00 to \$20.00 per hour.
6. Clerk of Courts. The Clerk of Courts shall be paid a regular hourly rate between the Federal Minimum Wage rate to \$15.00 per hour.
7. Administrative Assistant. The Administrative Assistant shall be paid a regular hourly rate between the Federal Minimum Wage rate to \$15.00 per hour.
8. Income Tax Commissioner. The Income Tax Commissioner shall be paid a regular hourly rate between the Federal Minimum Wage rate to \$15.00 per hour.
9. Parking Enforcement Officer. The Parking Enforcement Officer shall be paid a regular hourly rate between the Federal Minimum Wage rate and \$13.00 per hour.
10. General Foreman. The General Foreman shall be paid a regular hourly rate within the range of \$12.00 per hour to \$21.00 per hour.
11. Street Foreman. The Street Foreman shall be paid a regular hourly rate within the range of \$10.00 per hour to \$18.50 per hour.
12. Waste Water Plant Operator. The Waste Water Plant Operator shall be paid a regular hourly rate within the range of \$11.50 per hour to \$20.00 per hour.
13. Laborer. The Laborer shall be paid a regular hourly rate within the range of \$10.00 per hour to \$18.50 per hour.
14. Part-Time and Temporary Positions. The rate of pay for these positions will be between Federal Minimum Wage and \$12.00 per hour; unless the position falls within one of the existing positions set forth in this Ordinance. In the case where the position falls under an existing position, the maximum wage will be at the maximum wage for that position.

### C. Elected Officials

1. Mayor. The annual salary of the Mayor shall be Four Thousand Eight Hundred Dollars (\$4,800.00) per year. The Mayor shall be paid on a monthly basis following the second Council Meeting of each month.

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2. Council Members. The annual salary of each Council Member shall be Three Thousand Dollars (\$3,000.00) per year. The Council Members shall be paid on a monthly basis following the second Council Meeting of each month.

### **SECTION 4: Incremental Pay Increases.**

- A. Employees obtaining a new license and/or certification shall have their hourly rate of pay increased as listed below:
  1. Drinking Water
 

a. Water One Distribution	.50
b. Water Two Distribution	.50
c. Water Supply Operator One	.75
d. Water Supply Operator Two	1.00
  2. WasteWater
 

a. Wastewater Collection One	.50
b. Wastewater Collection Two	.50
c. Wastewater Operator One	.75
d. Wastewater Operator Two	1.00
- B. Employees pay raises will take effect at the beginning of the next pay period after the license has been presented to the Fiscal Officer.
- C. Employees who skip lower certifications and proceed to Operator's licenses shall not be entitled to the hourly pay increases for distribution/collection certifications; but, shall only receive the increase for the Operator's license.

### **SECTION 5: Health Insurance.**

- A. Group Insurance. The Village Administrator in consultation with the Finance Committee of the Council may negotiate with; and, in accordance with the competitive section procedures of Chapter 125 of the Revised Code, contract with, after approval of the Council, one or more insurance companies authorized to do business in the State of Ohio, for the issuance of one of the following:
  1. Combined Policy, or coordinated policies of one or more insurance companies, medical care corporations, health care corporations, dental care corporations, vision care corporations, or health maintenance corporations in combination with one or more insurance companies for providing group life and health, medical, hospital, dental or surgical insurance, or any combination thereof, covering all full-time employees.
  2. A policy that may include; but, is not limited to hospitalization, surgical, major medical, dental, vision and medical care disability, hearing aids, prescription drugs, group life and sickness and accident insurance, group legal services, or a combination of the above benefits for all full-time employees and their immediate dependents.
  3. The Village may require all full-time employees to participate in a Group Insurance Plan. If at any time the Village does not have enough

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employees to continue in a group rated health plan the Village will require that all the employees participate in the insurance program or the Village will discontinue insurance coverage for all full-time employees.

4. The Village may require each participant in the Group Insurance Plan to pay a percentage of the premium. The employee's percentage share of any premium shall be deducted and withheld from his or her pay on a regular basis.
5. If the Village employee's spouse or other family member has health insurance available to them through any other source than the Village of McConnelsville; or, the child's other parent, then the spouse or family member must be enrolled in the other insurance policies that are available to them at the first window of opportunity and shall not be provided insurance through the Village's policy.

### **SECTION 6: Bereavement Time.**

Each employee shall be granted three days of Bereavement Leave with pay upon the death of a member of the employee's immediate family without having it subtracted from accumulated sick leave or vacation time. Compensation for Bereavement Leave shall be equal to the employee's base rate of pay. An immediate family member is defined as a spouse, parent, sibling, child, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, legal guardian, or other person who stands in place of a parent. Part-Time or Temporary employees shall be granted time off without pay with the exception of Mike Chern, the Parking Enforcement Officer. Upon his hiring as the Parking Enforcement Officer, this position earned all benefits the same as full-time employees.

### **SECTION 7: Vacation Leave.**

- A. Policy. It shall be the policy of the Village to provide annual paid vacation leave for all full-time employees. All Part-Time or Temporary positions will not accumulate any paid vacation with the exception of one Part-Time employee, Mike Chern; however, Permanent Part-Time positions will accumulate unpaid vacation if they work more than one year without any interruptions in employment with the Village.
- B. Computation of Leave. Full-Time employees shall earn and be credited with annual paid vacation leave according to their number of years of continuous service to the Village of McConnelsville. Permanent Part-Time employees shall earn and be credited with annual unpaid vacation leave according to their number of years of continuous service to the Village of McConnelsville. Permanent Part-Time employees may be granted additional time off without pay at the discretion of the Department Head.

Vacation credit for employees will be calculated as follows.

<u>Length of Service</u>	<u>Vacation Credit</u>
Less than 8 years of continuous service	.03875 hrs PHW* (est. 10 days per year)
More than 8 years of continuous service	.05810 hrs PHW* (est. 15 days per year)



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More than 15 years of continuous service    .07750 hrs PHW\* (est. 20 days per year)  
 More than 25 years of continuous service    .09625 hrs PHW\* (est. 25 days per year)  
 (\*PHW means per hours worked)

Parking Enforcement Officer Mike Chern, who is working less than forty (40) hours per week will be credited with vacation hours under the same length of service as all other full-time employees.

- C. Part-Time Positions. Part-Time employees are not entitled to paid vacation leave or paid sick leave. Where authorized, vacation and sick leave accrual will be on a prorated basis of hours worked compared to a forty (40) hour work week.
- D. Temporary Positions. Temporary Positions are not entitled to paid vacation leave or paid sick leave.
- E. Utilization of Leave. Annual vacation leave shall be taken at such time as agreed upon by the employee and the Department Head. Any vacation scheduled four weeks in advance will not be denied by the Department Head; however, in a case of an emergency the Department Head can call an employee in to work from their vacation. Any vacation that is requested within less than two weeks of being used shall be granted at the discretion of the Department Head. All vacation leave must be requested and authorized on a form designated by the Department Head. Employees with less than one year of continuous service are not entitled to utilize their vacation credits until completion of their first year of continuous service.
- F. Interpretation and Record. A calendar vacation week shall be considered as the amount of time an employee is scheduled to work during a seven (7) day period. Two (2) calendar vacation weeks shall consist of ten (10) working days. Any leave of absence in a non-pay status of thirty (30) days or more shall be deducted when computing eligibility for vacation leave due.
- G. Vacation Scheduling. Vacation may be taken in not less than one-half (1/2) day increments.
- H. Accumulation. Generally, vacation leave shall be taken by an employee between the year in which it was accrued and the next anniversary date of employment. The Department Head may permit an employee to carry-over certain amounts of vacation from year to year. An employee shall not be permitted to carry-over any vacation leave to their credit which is in excess of their accrual for two (2) years. When an employee has reached their maximum two (2) year accrual, any additional accrual will stop until adequate vacation time is used to allow accrual to continue (up to the two (2) year maximum). The Village encourages its employees to recognize the importance of time away from employment. As such, employees who receive three (3) or more weeks of vacation per year must take a minimum of two (2) weeks of vacation per calendar year. Employees who receive two (2) weeks of vacation or less per year must take a minimum of one (1) week of vacation per calendar year.

If for any reason an employee has not used their vacation for a given year; and, it is not discovered until after the employee's hire date, the Department Head will require the employee to immediately take their vacation or the remainder thereof. If there are any unforeseen circumstances that prohibit the employee from taking their vacation at that time, the Department Head will have the

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authority to schedule the vacation at a time that the Department Head designates.

Employees must use their vacation. Vacation time will not be paid for except upon retirement or leaving employment from the Village; with the exception of Police Officers due to the fact the Village would have to pay someone to fill their vacancy while they are on vacation.

- I. Separation from Service. Upon separation from service, an employee shall be entitled to compensation for the prorated portion of any earned, but unused vacation leave to his/her credit at the time of separation. This does not apply to those employees who have less than one year of service. Vacation time off is paid at the employee's base pay rate at the time of separation. It does not include overtime or any other special forms of compensation.
  
- J. Vacation Pay in Case of Death. In the case of the death of an employee, the remaining vacation leave earned shall be paid on a prorated basis to the date of death to the deceased employee's spouse or to the Estate if there is no surviving spouse.
  
- K. Planning of Leave. Vacation must be planned as far in advance as possible so as not to interfere with the efficient operation of the department. The Department Head shall schedule vacations in accordance with workload requirements and the Department Head reserves the right to deny vacation requests if workload requirements so mandate. Annual vacation leave shall be taken at such time as agreed upon by the employee and the Department Head. Any vacation scheduled four (4) weeks in advance will not be denied by the Department Head; however, in a case of an emergency the Department Head can call an employee in to work from their vacation. Any vacation that is requested within less than two (2) weeks of being used shall be granted at the discretion of the Department Head.
  
- L. Record of Leave. A record shall be maintained for each employee by the Fiscal Officer showing the balance available for vacation leave.
  
- M. Balances. Vacation balances will be reported on an employee's paycheck each pay period. It is the responsibility of the employee to check these balances and to report in writing any problems with the balance to his/her Department Head and the Fiscal Officer within one (1) month after receipt of his/her paycheck. Failure by the employee to notify the Department Head in writing of errors in vacation balances on a timely basis will result in no changes in the balances reported. At least once each year the Fiscal Officer shall deliver to each employee a written report setting forth his or her vacation balances.
  
- N. Seniority Dates. Seniority for the purpose of calculating vacation is determined according to the total service an employee has with the Village of McConnelville from their hire date. Completion of a total of one (1) year of service shall be required before eligibility of any vacation leave is established.
  
- O. Retired Employees. An employee who has retired in accordance with the provision of PERS or any retirement plan offered by the state and who is hired by the Village of McConnelville shall not have his/her prior service with the village, state, or any political subdivision of the state counted for the purpose of computing vacation leave. Vacation accrued for such employee shall be based

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only upon the service he/she is accruing currently with the Village of McConnelville; or, as agreed to contractually between the employee and the Village.

- P. Department Head. It is the responsibility of the Department Head to review the management report on vacation balances before approval of vacation requests; and to report an employee's concerns on vacation balances to the Fiscal Officer within seven (7) days for review.
- Q. Correction by Fiscal Officer. It is the responsibility of the Village Fiscal Officer to make any necessary corrections in the vacation balances within one (1) month following notification by the Department Head of a perceived error; or, to notify the employee that the changes are not warranted.

### **SECTION 8: Overtime and Compensatory Time.**

- A. Standard Work Week. The standard workweek for Law Enforcement personnel shall be no more than forty-three (43) hours. The standard workweek of the Parking Enforcement Officer shall be nineteen (19) hours. Forty (40) hours shall be the standard workweek for all other full-time employees of the Village. Hours for Part-Time and Temporary employees shall be set by the Department Head.
- B. Calculating Work Time for Hourly Employees. Each Department Head shall determine the start time and finish time for normal daily work hours of their employees. Working hours will be calculated in fifteen (15) minute increments. All employees will start at their designated times. If an employee works seven and a half (7 ½) minutes or less past the fifteen (15) minute increment the time shall be rounded back to the last fifteen (15) minute increment; if an employee works more than seven and a half (7 ½) minutes in that fifteen (15) minute increment the time shall be rounded up to the next fifteen (15) minutes.
- C. Overtime Compensation. When any hourly employee is required by their Department Head to work more than forty (40) hours in any calendar week or more than eight (8) hours in any calendar day (with the exception of Patrolmen, Captain; and, Chief of Police); he or she shall be compensated for such time over forty (40) hours or over eight (8) hours in a single calendar day; except as otherwise provided in this ordinance at one and one-half (1 ½) times their regular rate of pay.

The Chief of Police; in which is a salaried employee, along with any Patrolmen and the Captain will be compensated for overtime the same as hourly employees for any time worked over eighty-six (86) hours in a two (2) week pay period.

No overtime will be paid unless it has been authorized by the Department Head in advance. Time will not be flexed, it will either be paid in overtime; or, taken as compensatory time with the exception of the Police Department and salaried employees. The Police Department may be forced at times to flex their time due to budgetary constraints. The Department Head will make this determination.

- D. Compensatory Time. If an employee elects to take compensatory time off in lieu of overtime pay for any overtime worked, such compensatory time shall be granted by the Department Head on a time and one-half basis, at a time mutually convenient to the employee and the Department Head, either by the day or by the hour.

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- E. Accrual of Compensatory Time. An employee may accrue compensatory time to a maximum of one hundred twenty (120) hours. Once an employee has reached their maximum of one hundred twenty (120) hours of accumulated compensatory time the employee will then be paid for any overtime worked at one and one-half times (1 ½) their regular rate of pay.
- F. Prohibition. Compensatory time shall not be used at any time for the purpose of earning overtime, holiday pay, or additional compensatory time.
- G. Leave of Absence. All compensatory time must be used before an employee is granted a leave of absence.
- H. Record. A record shall be maintained for each employee, showing the balance available for compensation time.

### SECTION 9: Holidays.

- A. The Village recognizes certain days as Holidays for their employees. The following Holiday schedule will be the days the Village recognizes as Holidays. Every Village employee will receive these Holidays. If the Holiday falls on a Saturday, the employees will take off the Friday before the Holiday; if the Holiday falls on a Sunday the employees will take off the Monday following the Holiday with the exception of Police Officers, which may accumulate their Holidays. The Floating Holiday may be taken at any time within the calendar year (January 1 thru December 31). The Floating Holiday will not be accumulated or carried over to the next year.
- B. Holiday Schedule.

Floating Holiday	To be taken anytime during year
New Year's Day	January 1 <sup>st</sup>
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	As designated by State of Ohio
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Days	Fourth Thursday in November
Christmas Day	December 25 <sup>th</sup>
- C. Designation. Holidays shall be celebrated as set forth above unless otherwise designated by contract or other appropriate Governmental Official or Body. In all cases where a Holiday may be in question, the Mayor will designate the Official Holiday.
- D. Holiday Pay. Full-time employees shall be paid straight time rates, exclusive of any premium pay, for the Holidays declared above on a current basis; and, shall not be required to work on such Holidays, unless in the opinion of the Department Head, failure to work on such Holidays would impair the public service.

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- E. Overtime. Hourly employees who work their normal shift on a listed Holiday, will receive their pay at the rate of one and a half (1 ½) times their regular pay rate, except Patrolman, Captain, and the salaried Chief of Police. An employee who is on call and reports to work to take the daily readings for the Water and Sewer Departments shall be given two (2) hours of overtime pay in addition to their Holiday pay.
- F. Hourly employees. An employee who is not assigned to work on a listed Holiday will receive eight (8) hours regular pay.
- G. Vacations. An employee cannot schedule vacation on a Holiday; if a legal Holiday falls during an employee's vacation, the employee will take the Holiday as normal and that day will not count against their vacation.
- H. Sick Leave: If a Holiday occurs during a period of sick leave of an employee, the employee shall draw normal pay and shall not be charged for sick leave for the Holiday.
- I. Holiday Accumulation: The Police Department will be the only employees that will be allowed to accumulate Holidays due to the fact they are required to be on duty at certain times. Maximum accumulation for Holidays will be up to two (2) years worth. In the event that a Police Officer has the maximum amount of Holidays accumulated, they will be paid for one (1) full year of holidays at that time.
- J. Holiday Leave: Holiday leave may be taken in not less than one-half (1/2) day increments.

### **SECTION 10: Sick Leave.**

- A. Entitlement. Full-Time employees shall earn and be credited with paid sick leave at the rate of .0575 hours for each hour worked by the employee.

Permanent Part-Time employees shall earn and be credited with unpaid sick leave at the rate of .0575 hours for each hour worked by the Permanent Part-Time employee.

Employees may use sick leave, provided a credit balance is available, on the approval of the Department Head, for absences due to dental/doctor appointments, personal illness, pregnancy, injury, exposure to contagious diseases which can be communicated to other employees, or due to the illness, injury, or death of an employee's immediate family.

- B. Proof. If an employee uses sick leave that exceeds three (3) consecutive days, the Department Head may require that the employee have a signed statement from a Licensed Physician excusing them from work. If an employee is off work under a Doctor's Order, they will need to have a release from the Doctor before returning to work. Falsification of either a written, signed statement; or, Physician's Certificate shall be grounds for disciplinary action, including dismissal.
- C. Payment of Sick Leave Upon Retirement. Upon retirement the maximum amount of time an employee with twenty-five (25) or more years of service with the Village of McConnelville will be paid for, is one-fourth (1/4) of the value of the employee's accrued sick leave credit not to exceed thirty (30) days.

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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.

- D. Loss of Sick Leave Upon Resignation or Termination. A Village employee shall not be paid for the value of the employee's sick leave if an employee resigns his or her position with the Village; or, if an employee's employment with the Village is terminated by the Village.

### **SECTION 11: Pension and Retirement Benefits.**

- A. PERS. All employees including Part-Time Patrolman; and, excluding Police Officers, upon appointment or hiring shall become members of the Public Employees Retirement System as set forth in Chapter 145 of the Ohio Revised Code and must remain such so long as they are Village employees. The term "Public Employee" does not include a person employed by a private, temporary help service; or, on a contractual basis as an Independent Contractor under a Personal Service Contract; or, a person who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood or other similar emergency.
- B. Police and Fireman's Disability and Pension Fund. All Police Officers with the exception of Part-Time Patrolman, shall become members of the Police and Fireman's Disability and Pension Fund for Police and Fire personnel as set forth in Chapter 742 of the Ohio Revised Code and must remain such so long as they are employees.
- C. Compulsory Retirement. All employees are subject to compulsory retirement as of the 30<sup>th</sup> day of June of the year in which the employee has attained the age of seventy (70) years.
- D. Voluntary Retirement. All employees are eligible to retire voluntarily pursuant to the rules and regulations of that employee's retirement system which is the Police and Fireman's Disability and Pension Fund for all Police Officers; and, the Public Employees Retirement System for all other Village employees.

### **SECTION 12: Military Employees.**

- A. Uniform Services Employment Re-employment Rights Act. The Village shall comply with the Uniform Services Employment Re-employment Rights Act of 1994 (USERRA), enacted October 13, 1994. (Title 38 U.S. Code, Chapter 43, Sections 4301-4333, public law 103-353). The USERRA provides protection to anyone absent from a position of civilian employment because of uniform service if advance written or verbal notice was given to the civilian employer; the committed length of absences does not exceed five years; the individual reports to, or submits an application for re-employment within the specified period based on duration of service; and the persons character of uniform services was not disqualifying as described in the statute.
- B. Notification of Uniform Service. Whenever an employee is to report for uniform service, the employee shall inform the Village in writing at least thirty (30) days in advance when it is feasible to do so the period of pending uniform service.

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- C. Sample Notification Form. The Village requests that all employees who must report for military training or duty provide the Village with written notice at least thirty (30) days in advance if feasible; and, in written form identical or similar to the following:

This is to inform you that (applicant or service member's name) must report for military training or duty on (insert date). My last period of work will be on (insert date), which will allow me sufficient time to report for military duty. I will be absent from my position of civilian employment for approximately (enter expected duration of duty as specified on your orders, and include the applicable period you have to return or submit notification of your return to work) while performing military training or duty unless extended by competent military authority or delayed by circumstances beyond my control. I otherwise expect to return to work on (insert date).

\_\_\_\_\_  
Signature and date

\_\_\_\_\_  
Village Acknowledgment and Date

- D. Leave of Absence for Military Service. As set forth in Revised Code Section 5923.05, all officers and employees who are members of the Ohio National Guard, the Ohio Military Reserve, the Ohio Naval Militia, or members of other reserved components of the Armed Forces of the United States shall be granted a leave of absence without loss of pay for such time as they are in the military service on field training or active duty for periods not exceeding thirty-one (31) days in any one (1) calendar year.

**SECTION 13: Compliance with Federal Law.**

- A. It shall be the policy of the Village to comply with all existing federal labor and employment laws, as applicable to the Village including; but, not limited to the following laws as amended from time to time, Executive Order 11246; Section 503 of the Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; The Americans with Disabilities Act of 1990; The Occupational Safety and Health Act of 1970; The Fair Labor Standards Act; Family and Medical Leave Act of 1993; and the Employee Polygraph Protection Act.

**SECTION 14: Worker's Compensation.**

- A. Compliance. It shall be the Village's policy to comply with the Worker's Compensation Act as set forth in Revised Code Chapter 4123, as amended periodically.

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**SECTION 15: Unemployment Compensation.**

- A. Compliance. It shall be the Village's policy to comply with the Unemployment Compensation Act as set forth in Revised Code Chapter 4141, as amended periodically.

**SECTION 16: Mileage Reimbursement.**

- A. Policy. All officers and employees who travel outside of Morgan County, Ohio in their personal vehicles while on official Village business shall be reimbursed for the cost of the transportation at the IRS standard mileage rate.
- B. Reimbursement. To obtain mileage reimbursement each employee or officer must submit a written request for mileage reimbursement to the Fiscal Officer within fourteen (14) days after the event for which reimbursement is requested. Employee reimbursement requests must be approved by the employee's Department Head. Officer reimbursement requests must be approved by the Mayor or the Chief of Police.

**SECTION 17: Civil Service Act.**

- A. Civil Servants. Employees of the Village are not "civil servants" as defined by Ohio Revised Code Chapter 124 because the Ohio Civil Service Act is not applicable to Villages.
1. Policy. The Village is not required to conform to the mandates set forth in Ohio's Civil Service Act.

**SECTION 18: Bonds.**

- A. Fiscal Officer. The Fiscal Officer shall give Bond to the Village in the sum of Thirty-Five Thousand Dollars (\$35,000.00). The Village shall pay for said bond.
- B. Mayor. The Mayor shall give Bond to the Village in the sum of Five Thousand Dollars (\$5,000.00). The Village shall pay for said bond.
- C. Blanket Bond. The Village shall purchase a Blanket Bond to cover other elected officials, officers, and employees. Such Bond shall be in a minimum amount of Twenty-Five Thousand Dollars (\$25,000.00). The Village shall pay for said bond.

**SECTION 19: ANNUAL EVALUATIONS.**

- A. Annual evaluations may be given to employees. These evaluations will be conducted by the Department Head. The evaluation of the Department Head shall be conducted by the Mayor.
- B. All employees may be subjected to a six (6) month probationary period; in which, a performance evaluation shall be given by the Department Head. In the event a Department Head shall be evaluated after a six (6) month probationary period, it shall be conducted by the Mayor.



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**SECTION 20: DRUG TESTING**

- A. All Village employees shall be subject to random drug screening and Elected Village Officials may be subject to random drug screening.

**SECTION 21: LEGAL REQUIREMENTS**

- A. That is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 22: Repeal of Prior Ordinances and Resolutions.**

- A. Ordinance Number 16-01 is hereby repealed.

First Reading: \_\_\_\_\_ January 3, 2017 \_\_\_\_\_

Second Reading: \_\_\_\_\_ January 17, 2017 \_\_\_\_\_

Third Reading: \_\_\_\_\_ February 7, 2017 \_\_\_\_\_

Passed this \_\_\_\_\_ 7<sup>th</sup> \_\_\_\_\_ day of \_\_\_\_\_ February \_\_\_\_\_, 2017.

\_\_\_\_\_  
John W. Finley  
Mayor

Attest:

\_\_\_\_\_  
Ellen M. Henry  
Fiscal Officer