

ORDINANCE NO. 25 - 2023

AN ORDINANCE APPROVING AN AMENDMENT TO A LABOR AGREEMENT WITH THE OHIO PATROLMAN'S BENEVOLENT ASSOCIATION RELATED WAGE RATES AND THE ELIMINATION OF PREMIUM PAY RELATED TO THE COVID-19 NATIONAL EMERGENCY; REPEALING ORDINANCE NO. 9-2023; AND DECLARING AN EMERGENCY.

WHEREAS, the Village and Ohio Patrolman's Benevolent Association ("OPBA") entered into a certain collective bargaining agreement ("CBA") effective January 1, 2022; and

WHEREAS, the CBA, at Article 15, § 3, provided for premium pay utilizing American Rescue Plan Act funds (specifically, the "State and Local Fiscal Recovery Funds" or "SLFRF") provided to the Village to respond to the COVID-19 National Emergency; and

WHEREAS, Ordinance No. 9-2023 provided additional premium pay to the patrol officers from Village SLFRF reallocated for said payments; and

WHEREAS, with the declaration that the National Emergency has now ended, the U.S. Department of the Treasury has issued a directive that SLFRF may no longer be used to provide premium pay regardless of whether such funds were previously allocated for such purpose; and

WHEREAS, in response to the Treasury Department's directive, the Village and OPBA agreed to a contract wage re-opener to address this legal issue; and

WHEREAS, the Village and OPBA's respective negotiators have reached a tentative agreement for an amendment to Art. 15 of the CBA that would eliminate premium pay and correspondingly adjust regular wages in order to afford Village patrol officers an equal level of compensation as the parties originally contemplated; and

WHEREAS, this proposed amendment is now before the Council for its approval.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. That Art. 15 of the CBA (eff. 01/01/22) is hereby amended as shown in Exhibit "1" attached hereto wherein new text is shown as underlined (to wit: abc), the text to be removed/replaced shown as strike-through (to wit: ~~abc~~), and all existing text to remain unmodified by this amendment shown in normal font without emphasis.

SECTION 2. The effective date of this CBA amendment shall be July 16, 2023.

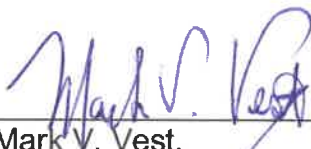
SECTION 3. The Mayor is hereby authorized to sign this amendment to the CBA on behalf of the Village upon the event of its co-approval by the OPBA.

SECTION 4. That Ordinance No. 9-2023 is and shall hereby be repealed.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village and for the further reason that it is necessary to address the lawful use of SLFRF, as detailed in the preamble hereto; WHEREFORE, this Ordinance shall be in full force and effect immediately upon its adoption if adopted by the affirmative vote of at least four members of Council and otherwise at the earliest time provided by Ohio law.

PASSED: 7-24-2023



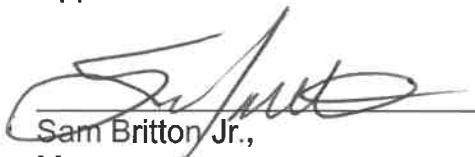
Mark V. Vest,
President of Council

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:



Sam Britton Jr.,
Mayor

7/24/2023
Date

ARTICLE 15.

WAGES

Section 1: All bargaining unit members currently in the Village’s employment or to be employed by the Village after this Agreement is approved by the Parties shall be paid every two weeks at the following pay rates.

FULL TIME PATROL OFFICER

<u>Steps</u> (Each step is 12 months)	<u>2022</u>	<u>2023</u>	<u>2024</u>
Step 1	\$21.66	\$23.32 <u>\$28.82</u>	\$24.98 <u>\$30.48</u>
Step 2	\$22.41	\$24.07 <u>\$29.57</u>	\$25.73 <u>\$31.23</u>
Step 3	\$23.16	\$24.82 <u>\$30.32</u>	\$26.48 <u>\$31.98</u>
Step 4	\$23.91	\$25.57 <u>\$31.07</u>	\$27.23 <u>\$32.73</u>
Step 5	\$24.66	\$26.32 <u>\$31.82</u>	\$27.98 <u>\$33.48</u>

FULL TIME SERGEANT

Full time Sergeants’ hourly pay rate shall be Twelve percent (12%) above the top hourly pay rate of a Patrol Officer.

PART TIME PATROL OFFICER

<u>Steps</u> (Each step is 12 months)	<u>2022</u>	<u>2023</u>	<u>2024</u>
Step 1	\$19.73	\$21.39 <u>\$26.89</u>	\$23.05 <u>\$28.55</u>
Step 2	\$19.99	\$21.65 <u>\$27.15</u>	\$23.31 <u>\$28.81</u>
Step 3	\$20.26	\$21.92 <u>\$27.42</u>	\$23.58 <u>\$29.08</u>
Step 4	\$20.53	\$22.19 <u>\$27.69</u>	\$23.85 <u>\$29.35</u>
Step 5	\$21.32	\$22.98 <u>\$28.48</u>	\$24.64 <u>\$30.14</u>

Newly hired employees shall start at Step 1 and advance to the next step of the respective scale on their anniversary date of hire. The Chief of Police, in consultation with the Mayor, may place a newly hired employee at a step other than Step 1 based on the employee’s prior experience, specialized skills, and/or educational background. A new employee’s placement may not exceed Step 3, unless they possess a minimum of one year full time experiences as a police officer.

Section 2: Designated Officer in Charge by the Chief of Police shall earn an added \$20 dollars per day while acting in that capacity. The “Officer in Charge” shall be the patrol officer temporarily designated by the Chief to assume his/her duties as necessary for the good of the operation of the Police Department during periods of the Chief’s temporary absence. The Officer in charge is at the discretion of the Chief of Police.

Section 3: As used in this Agreement, the contract year commences at 12:01 am on January 1 and ending at midnight December 31.

~~Section 4: The American Rescue Plan Act (42 U.S.C. § 801, et seq.) established a Coronavirus Local Fiscal Recovery Fund (“CLFRF”) which provides support to State, local, and Tribal governments in response to the impact of COVID-19. The Village is the recipient of CLFRF funds. Sections 602(c)(1) and 603(c)(1) of the Act provide that CLFRF funds may be used to respond to workers performing essential work during the COVID-19 public health emergency by providing to them premium pay. Law enforcement officers perform such essential work which places them at heightened risk within the meaning of the Act.~~

~~In contract years 2022, 2023 and 2024, full time bargaining unit members shall receive premium pay in the sum of two hundred dollars (\$200.00) per bi-weekly pay period. Part time bargaining unit members shall receive premium pay in the sum of two dollars and fifty cents (\$2.50) per regular hour worked from the Village’s CLFRF funds. Notwithstanding the foregoing (i) no bargaining unit member may receive premium pay in an aggregate annual amount more than five thousand two hundred dollars (\$5200.00), and (ii) may not receive premium pay if the premium pay would increase the bargaining unit member’s pay above 150 percent of Ohio’s average annual wage for all occupations, as defined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics, or their residing county’s average annual wage, as defined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics, whichever is higher, on an annual basis. No bargaining unit members shall receive premium pay while on unpaid leave.~~

~~It is not the intent of this Agreement to modify the regular rate of pay set forth in Section 1 of this Article 15, however, in the event the premium pay is later determined by the Department of Labor, court decision, or other agency(ies) with jurisdiction to be subject to time and one-half provisions of the FLSA and/or Ohio law, that determination and resulting time and one-half increase in hourly premium pay shall not act to increase the aggregate annual limit of five thousand two hundred dollars (\$5200.00), as set forth above.~~