

ORDINANCE NO. 6 - 2023

AN ORDINANCE APPROVING AMENDMENTS TO A LABOR AGREEMENT WITH THE OHIO PATROLMAN'S BENEVOLENT ASSOCIATION RELATED TO THE DUTIES AND COMPENSATION FOR A DETECTIVE POSITION; PROVIDING FOR A 12-HOUR SHIFT; 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 35, § 2, contemplates that the parties may mutually agree to amendments during the term of the CBA; and

WHEREAS, the Village and OPBA after discussions mutually recognize that a Detective position within the ranks of the Patrol Officers is needed for the good of the Department and they have memorialized amendments to the CBA related to such matters as assignment to and compensation for this position; and

WHEREAS, the Village and OPBA after discussions mutually recognize that the availability of a 12-hour shift schedule may be needed for the good of the Department and they have memorialized amendments to the CBA to permit such 12-hour shifts; and

WHEREAS, these proposed amendments are 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. The Council accepts the amendments to the CBA attached hereto as Exhibits "1" and "2" with the Ohio Patrolman's Benevolent Association as and for purposes of the Detective's position and the availability of a 12-hour shift.

SECTION 2. The Mayor is hereby authorized to sign the amendments to the CBA on behalf of the Village.

SECTION 3. 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 4. 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 implement needed staffing within the Police Department, address necessary changes to shift scheduling, as well as to comply with Village contractual obligations; 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: _____

Mark V. Vest,
President of Council

Attested:

Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:

Sam Britton Jr.,
Mayor

Date

**AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT
(JANUARY 1, 2022 - DECEMBER 31, 2024)**

between

The Village of Madison

and

Ohio Patrolmen's Benevolent Association

WHEREAS, the Village of Madison and the Ohio Patrolmen's Benevolent Association agree that a special assignment position of Detective is desired within the rank of Patrol Officer; and

WHEREAS, the parties' respective representatives have met as required by the CBA and reached an agreement with respect to the terms, conditions, and wages for the Detective position which agreement has been ratified by the Council of the Village of Madison and OPBA members entitled to vote thereon; and

THEREFORE, the CBA is hereby amended and shall hereafter read as including the following:

1. Assignment: The assignment of a Patrol Officer to the position of Detective shall be at the discretion of the Chief of Police. The Detective position shall be considered equal and within the rank of Patrol Officer and shall be paid on the same wage schedule as Patrol Officers.
2. Duties: The duties of the Detective shall include all duties of a Patrol Officer with the additional tasks of investigating felonies, complex misdemeanors, and any other cases assigned by the Chief of Police. During their work periods, the Detective will perform both uniformed patrol duties, and investigative duties in variable amounts based on case volume and as directed by the Chief of Police.
3. Call In: Except for court time, for which Article 19, § 3 shall be applicable, a Detective required to report back to duty for other than a normally scheduled tour of duty at a time not contiguous to their regular schedule shall be guaranteed a minimum of three (3) hours compensation at time and one-half (1 1/2) of the Detective's regular rate of pay.
4. Off Duty Communications: A Detective shall receive sixteen (16) hours of compensation time annually for de minimis off duty communication for directing the workforce in regard to steps to take on a call, collection of evidence, interviewing of subjects, clarification of investigatory procedures, and other similar purposes. The sixteen (16) hours of compensation time shall be deposited on or about January 1 of each year, and pro-rated in the year the assignment to the position is made.

5. Detective Uniform Allowance: A Detective, upon assignment to the position, shall receive an additional one-time uniform allowance payment in the amount of two hundred fifty dollars (\$250.00) payable immediately. Beginning in the following calendar year, a Detective's annual uniform allowance shall be one thousand one hundred and fifty dollars (\$1250.00), paid separate from the bi-weekly paycheck, no later than the last pay period of each year.
6. Scheduling: The Detective's work schedule shall be set by the Chief of Police, with consideration of the department's needs.

FOR THE VILLAGE OF MADISON

X _____
Sam Britton, Jr. Date: __/__/2023
Mayor, Village of Madison

FOR THE OPBA

X _____
Ian Mussell Date: __/__/2023
OPBA Union Representative

as authorized by Ordinance No. 6-2023

**AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT
(JANUARY 1, 2022 - DECEMBER. 31, 2024)**

between

The Village of Madison

and

Ohio Patrolmen's Benevolent Association

WHEREAS, the Village of Madison and the Ohio Patrolmen's Benevolent Association agree that twelve hour work shifts may provide a benefit of providing a desirable shift schedule for our employees, and also aid our ability to attract and retain new employees in the Police Department; and

WHEREAS, Article 18, Section 2: F of the CBA currently allows for only eight or ten hour work shifts; and

WHEREAS, the parties' respective representatives have met as required by the CBA and reached an agreement with respect to the terms, conditions, and wages for the Detective position which agreement has been ratified by the Council of the Village of Madison and OPBA members entitled to vote thereon; and

THEREFORE, Article 18, Section 2: F of the CBA is hereby amended and shall hereafter read as the following:

F: The regular work schedule shall consist of five (5) consecutive days of eight (8) hours each, with two (2) consecutive days off.

Or, four (4) consecutive ten (10) hour days with three (3) consecutive days off.

Or, a two week work schedule consisting of three (3), twelve (12) hour days in a week which totals thirty-six hours, and three (3) twelve (12) hour days, plus one eight (8) hour day in one week which will total forty-four hours. The two week work schedule shall total eighty (80) hours.

When utilizing twelve hour shifts, both parties acknowledge and agree that a two week pay period of 80 hours shall be considered the "work period" for Fair Labor Standards Act overtime purposes. Hours above 80 in a two week pay period shall be paid at time and one-half (x1.5) regular wages.

IN ADDITION, Article 19, Section 1 of the CBA is amended and shall hereafter read as the following:

Section 1: Overtime the amount of one and one-half (1 ½) times the Employee's regular pay rate shall be paid for actual hours worked in excess of eight (8) hours in a workday period, (except on a four (4) day ten (10) hour schedule, or on twelve (12) hour schedules) with the exception of Employees attending voluntary schools or seminars. Hours worked shall include all hours worked as active pay status and in excess of forty (40) hours a week, or eighty (80) hours per two week period when on 12 hour schedules.

FOR THE VILLAGE OF MADISON

X _____
Sam Britton, Jr. Date: __/__/2023
Mayor, Village of Madison

FOR THE OPBA

X _____
Ian Mussell Date: __/__/2023
OPBA Union Representative

as authorized by Ordinance No. 6-2023