

ORDINANCE NO. 11-09

**AN ORDINANCE AMENDING SECTION 9 OF
ORDINANCE NO. 1-09 FIXING THE MAXIMUM
SALARY AND/OR WAGES OF THE OFFICIALS AND
EMPLOYEES OF THE VILLAGE OF SPENCER, OHIO
AND DECLARING AN EMERGENCY**

BE IT ORDAINED by the Council of the Village of Spencer, Ohio, three-fourths (3/4) of its members concurring herein as follows:

SECTION 1: The salary of the Mayor of the Village of Spencer shall be \$4,000.00 per annum, payable semi-annually, effective the first pay of 2009.

SECTION 2: The salary of the Village Fiscal Officer/Clerk of Council of the Village of Spencer shall be \$18,540 per annum, payable once every two (2) weeks effective the first pay of 2009. The Village Fiscal Officer/Clerk shall be entitled to one week's paid vacation.

The Village Fiscal Officer/Clerk of Council must attend all Council and finance meetings and shall have an up-to-date financial report prepared for all Council and Board of Public Affairs meetings.

The Village Fiscal Officer shall work a minimum of twenty (20) hours per week. The Village Fiscal Officer's office shall be open Monday through Friday from 9:30 a.m. to 1:30 p.m.

The Village Fiscal Officer's office may be closed on all Village holidays.

SECTION 3: The salary of the Council members of the Village of Spencer shall be \$100.00 per month, payable semi-annually, effective the first pay of 2009.

SECTION 4: The salary of the members of the Board of Public Affairs shall be \$70.00 per month, payable semi-annually, effective the first pay of 2009.

SECTION 5: The salary of the Village Solicitor for ordinary services shall be \$9,629.14 per annum, payable \$2,407.29 quarterly, plus out-of-pocket expenses and advancements, effective the first pay of 2009. Ordinary Solicitor's services shall include: attendance at regular and special meetings of Council, preparation of all ordinances, written resolutions, and written motions of Council and related documents, any legal research necessary therefor, and legal advice and opinions rendered to the Mayor, Council, and the Board of Trustees for Public Affairs.

All other services for the Village of Spencer as rendered by the Solicitor shall be compensated at the rate of \$85.00 per hour, payable monthly upon presentation by the Solicitor of a written statement of charges.

SECTION 6: The salary of the Village Solicitor, who shall handle all Village prosecutions and such other duties assigned by the Village Solicitor, shall be \$6,229.32 per annum, payable \$1,557.33 quarterly, effective the first pay of 2009.

SECTION 7: The salary of the Superintendent of the Water Plant and Water Distribution System for Water Treatment shall be \$55,033.00 per annum (which amount includes the insurance opt-out provisions in the sum of \$200.00 per month), commencing the first pay of 2009, and payable once every two (2) weeks. Fifty percent (50%) of the Superintendent's salary shall be chargeable to the Water Fund, and fifty percent (50%) of the Superintendent's salary shall be chargeable to the Sewer Fund. The Village shall annually furnish to the Superintendent uniforms consisting of five (5) sweatshirts, five (5) t-shirts, five (5) pairs of jeans, and one (1) hat. The Superintendent shall also receive \$50 annually toward a pair of work boots and \$50 every three (3) years toward a winter coat. The Superintendent shall purchase the work boots and the winter coat out-of-pocket and then be reimbursed by the Village up to the \$50 limit as set forth above. The Superintendent shall be required to wear the Village of Spencer uniform to work each day.

SECTION 8: The Superintendent of the Water Plant and Water Distribution System shall be entitled to the assistance of volunteer help. Volunteer help shall not be paid any monies for salary by the Village of Spencer. Volunteer help will be entitled to coverage pursuant to the Village of Spencer's Workers' Compensation Plan. Volunteer help shall also be covered by the Village of Spencer's General Liability Insurance coverage. Volunteer help shall work at the direction of the Superintendent of the Water Plant and Water

Distribution System and at the direction of the Mayor. Volunteer help shall not work more than forty (40) hours per week.

SECTION 9: The hourly wage of the part-time general help shall be \$9.02 per hour, payable once every two (2) weeks, effective the first pay of 2009. Fifty percent (50%) of the part-time general help's hourly wage shall be chargeable to the Water Fund and fifty percent (50%) to the Sewer Fund. The Village shall annually furnish to the part-time general help uniforms consisting of two (2) sweatshirts, two (2) t-shirts, and one (1) hat. The part-time general help shall be required to wear the Village of Spencer uniform to work each day.

The hourly wage of the part-time water and sewer weekend help shall be \$13 per hour for laboratory work, payable once every two (2) weeks, retroactive to April 1, 2009. The hourly wage for any work performed by the part-time water and sewer weekend help outside of laboratory work shall be \$9.02 per hour, payable once every two (2) weeks. The part-time water and sewer weekend help shall not work more than four (4) hours per day.

SECTION 10: The Village Fiscal Officer assistant/trainer shall be paid once every two (2) weeks effective the first pay of 2009, in accordance with the following hourly pay scale not to exceed fifty (50) hours per pay period:

General Fund. \$16.48

SECTION 11: The hourly wage of the part-time water/sewer clerk

(which includes collecting and sending out water/sewer bills, calculating penalties, notifying shutoffs, taking telephone messages if the Fiscal Officer is not in the office, attending all Board of Public Affairs meetings, and taking and typing minutes of Board of Public Affairs meetings) shall be \$12.36 per hour, payable once every two (2) weeks effective the first pay of 2009. The work hours of the part-time water/sewer clerk shall not exceed fifty (50) hours per pay period unless approved by the Mayor.

SECTION 12: The salary of the collector of water and sewer rents shall be \$700.00 per annum, payable semi-annually, effective the first pay of 2009.

SECTION 13: The hourly wage of the Village Street and Maintenance Superintendent shall be \$15.91 per hour, effective the first pay of 2009, and payable once every two (2) weeks. The Village shall annually furnish to the Maintenance Superintendent uniforms consisting of five (5) sweatshirts, five (5) t-shirts, five (5) pairs of jeans, and one (1) hat. The Superintendent shall also receive \$50 annually toward a pair of work boots and \$50 every three (3) years toward a winter coat. The Superintendent shall purchase the work boots and the winter coat out-of-pocket and then be reimbursed by the Village up to the \$50 limit as set forth above. The Maintenance Superintendent shall be required to wear the Village of Spencer uniform to work each day.

SECTION 14: The salary of the Chief of Police for the Village of Spencer shall be \$48,000.00 per annum, effective the first pay of 2009, payable once every two (2) weeks. The Chief of Police shall not be entitled to hospitalization benefits; however, if the Chief of Police determines that he wants the Village of Spencer to provide hospitalization benefits, he may request hospitalization benefits, and the Chief of Police's salary will be renegotiated at that point in time. The Chief of Police shall receive an annual \$500.00 uniform allowance. The Chief of Police shall receive no overtime pay.

SECTION 15: The hourly wage of the full-time patrolmen for the Village of Spencer Police Department shall be payable once every two (2) weeks, commencing the first pay of 2009, as follows: \$14.00 per hour for the first six months of service and \$15.00 per hour for the second six months of service. The full-time patrolmen shall receive an additional annual \$500.00 uniform allowance. The full-time patrolmen shall be entitled to hospitalization insurance under a policy of insurance selected and paid for by the Village of Spencer, subject to the terms as set forth in Section 23 of this Ordinance.

SECTION 16: All officers other than the Chief of Police and full-time patrolmen are considered Special Patrolmen. The Special Patrolmen shall be paid \$1.00 per year.

Special Patrolmen shall be compensated for emergencies, court appearances, and regular duty as assigned by the Chief of Police, a total not to exceed sixty (60) hours per pay period and to be paid

hours from 7:00 a.m. to 3:30 p.m., Monday through Friday, with one-half (1/2) hour for lunch.

SECTION 21: Full-time employees of the Village of Spencer in non-elective offices shall be entitled to paid vacation under the following schedule:

One year completed service from date of hire.	1 week vacation
Two to five years completed service from date of hire2 weeks vacation
Five to ten years completed service from date of hire3 weeks vacation
Over ten years.3 weeks vacation plus 1 day for each year after completing ten years of service with a maximum of six weeks vacation

The Village Fiscal Officer shall be entitled to paid vacation under the following schedule:

One year completed service from date of hire.	1 week vacation
Two to five years completed service from date of hire.	1 week, 2 days vacation
Five to ten years completed service from date of hire.	1 week, 3 days vacation
Over ten years.1 week, 3 days vacation plus 2 hours for each year after completing ten years of service with a maximum of six weeks vacation

Application for vacation time in accordance with the above schedule must be submitted to the employee's supervisor and Village Fiscal Officer not less than fourteen (14) days prior to the commencement of the requested vacation, unless vacation time off upon a shorter notice is approved by the employee's supervisor. If vacation time is not used in the year it is earned, it cannot be accrued or accumulated into following years.

SECTION 22: Additional compensation for overtime work will be paid to Village employees as follows:

When a full-time Village employee, other than the Village Police Chief and Superintendent of the Water Plant and Water Distribution System, works more than forty (40) hours per week in any seven (7) day period from midnight Saturday to midnight Saturday, that employee will be paid for time equal to one and one-half (1½) the overtime worked in said seven (7) day period. In the event of an emergency, the overtime shall be approved, in writing, by the Police Chief for Police Department employees, the Mayor or acting Mayor for Street Department employees, and Mayor or acting Mayor for Water/Sewer Department employees. Overtime shall be avoided. Where possible, the employee shall take time off in a given forty (40) hour work week, if overtime is anticipated. Overtime compensation shall not be paid to the Police Chief and Superintendent of the Water Plant and

Water Distribution System, as those employees are salaried, supervisory positions.

SECTION 23: Full-time Village employees shall have the following paid holidays: New Year's Day, President's Day, Memorial Day, July 4, Labor Day, Thanksgiving, the day after Thanksgiving, and Christmas. Full-time employees shall be entitled to two (2) "floating holidays," to be taken when the employee chooses, with supervisor approval, and forty-eight (48) hours' notice. To be eligible for holiday pay, the employee must work their scheduled day before and their scheduled day after the holiday. Full-time employees who are required to work on any of the above-listed holidays shall be compensated at the rate of double time as compared to their regular compensation for hours actually worked, and they shall not be entitled to take a day off for the holiday worked. If full-time employees work on the holiday, they must work their scheduled day before and their scheduled day after the holiday to receive double time pay for the holiday worked. If full-time employees do not work on the holiday, they will receive straight time pay for the holiday.

The Village Fiscal Officer shall be entitled to one (1) "floating holiday," to be taken when the employee chooses, with supervisor approval, and forty-eight (48) hours' notice.

Effective as of May 1, 2008, all part-time employees whose jobs are crucial to the Village's operation and who are required to work

on New Year's Day, President's Day, Memorial Day, July 4, Labor Day, Thanksgiving, the day after Thanksgiving, or Christmas shall be compensated at the rate of time and one-half for hours actually worked. Said holiday pay must be approved, in writing, by the Police Chief for Police Department employees, the Mayor or acting Mayor for Street Department employees, and the Mayor or acting Mayor for Water/Sewer Department employees.

All other part-time employees shall not be entitled to receive additional compensation for said holidays and shall be compensated at their regular rate for the time worked on said holidays.

SECTION 24: All full-time employees of the Village of Spencer in non-elective offices, except for the Chief of Police as set forth in Section 14 of this Ordinance, shall be entitled to hospitalization insurance under a policy of insurance selected by the Village in its sole discretion and paid for by the Village pursuant to the terms and conditions set forth in said policy, only in the event that hospitalization insurance is not available to the employee through the employee's spouse or otherwise available to the employee. The Village of Spencer reserves the right to require that an employee receiving hospitalization insurance pay a co-payment toward the hospitalization insurance premium cost.

SECTION 25: Full-time employees of the Village of Spencer shall accrue sick pay benefits as provided for by § 124.38 of the Ohio Revised Code, thereby receiving 4.6 hours of sick pay benefit for

every eighty (80) hours worked, accumulating to a maximum of ninety (90) days. The Village Fiscal Officer shall accrue 2.3 hours of sick pay benefit for every eighty (80) hours worked, accumulating to a maximum of ninety (90) days. Effective January 1, 2001, a new employee shall receive no credit for sick leave accumulated in a position with any other employer other than the Village of Spencer, unless otherwise required by law. Any employee who retires shall be reimbursed for unused sick leave under the following schedule:

- 0 - 20 years service, but not more than 20 years service. . . . 25% of unused accumulated sick leave
- More than 20 years service, but not more than 30 years service. . . 33% of unused accumulated sick leave
- More than 30 years service. . . . 50% of unused accumulated sick leave

Retirement constitutes any employee who left employment and is drawing a pension. All other part-time employees of the Village of Spencer shall not accrue any sick pay benefits.

The Village of Spencer recognizes that William Albrecht, who currently works as Superintendent of the Water Plant and Superintendent of the Sanitary Sewer System, had vested accumulated hours of sick time with the Village of Spencer in the amount of 1,940.42 hours as of January 1, 2001. The Village of Spencer specifically recognizes that Mr. Albrecht is vested with these hours of sick time benefit and that these hours shall remain vested with

Mr. Albrecht until such time as his employment with the Village of Spencer is concluded or until such time as he shall have used up those hours of sick time. Any hours of unused sick pay shall be reimbursed to Mr. Albrecht at the time of his retirement pursuant to the years of service schedule set forth hereinabove.

SECTION 26: Funeral time off. Full-time employees of the Village of Spencer shall be entitled to three (3) days off with pay for death in the immediate family. Immediate family shall include spouse, grandmothers, grandfathers, mothers, fathers, brothers, sisters, and children of the employee and/or the employee's spouse.

SECTION 27: All police officers or patrolmen employed by the Village of Spencer through the Spencer Village Police Department, who work eight (8) hours or more in a given day, shall be entitled to take one-half (1/2) hour for lunch time except in time of emergency; police officers or patrolmen employed by the Village of Spencer shall be paid during the lunch hour.

All employees employed by the Village of Spencer who are not police officers or patrolmen and who work eight (8) hours or more in a given day shall be entitled to take one-half (1/2) hour for lunch time; employees employed by the Village of Spencer who are not police officers or patrolmen shall not be paid during the lunch hour.

SECTION 28: Effective January 1, 1999, all department heads will complete performance and development reviews on all employees on

a semi-annual basis. The reviews will be turned over to Council for their review prior to June 30 and November 30.

All department heads will also have a performance and development review completed by Council. The department heads are as follows: Police Chief and Street Superintendent.

The Board of Public Affairs will complete a performance and development review on the Water/Sewer Superintendent on a semi-annual basis and submit it to Council for review.

SECTION 29: Members of the Planning Commission of the Village of Spencer shall serve without compensation.

SECTION 30: Effective January 1, 2007, all Spencer Village owned vehicles used by employees during work hours for Village business shall remain on Village property after work hours and shall not be taken home by Village employees.

SECTION 31: Spencer Village employees, who use a personally owned vehicle for Village of Spencer business, shall be compensated at the current Internal Revenue Service rate, provided adequate documentation of the mileage use is provided to the Village of Spencer. If a Village of Spencer employee attends schooling that is related to that employee's Village of Spencer business, the Village will pay the employee's lunch expenses, if the employee is away from home and stays overnight as a result of the schooling attendance.

SECTION 32: This Ordinance is necessary for the preservation of the public peace, health, safety and welfare of the Village of

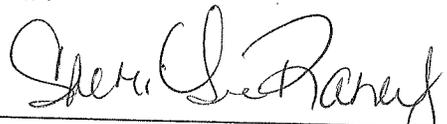
Spencer, Ohio, and for the particular reason that said Ordinance provides for the payment of salaries and wages to Village employees thereby assuring to the residents of the Village of Spencer a constant and uninterrupted service from all Village Departments; and it shall take effect and be in full force immediately upon its passage.

PASSED: May 20, 2009



TOMMY RAMEY, Mayor

ATTEST:



SHERI RAMEY, Village Fiscal Officer