

ORDINANCE NO. 14 - 2022

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, SECTION 131.11 TO ADD SECTION (F) LIMITING EMPLOYEES ANNUAL CARRY-OVER OF UNUSED VACATION TIME.

WHEREAS, § 131.11 of the Codified Ordinances sets forth paid vacation leave time for full-time Village employees based upon years of service; and

WHEREAS, as currently written, any unused vacation time may be carried-over from year-to-year without limitation; and

WHEREAS, to better control annual budgets and appropriations by adding greater certainty to vacation payments, time off, and resulting staffing needs, the Council desires to limit the number of hours of unused vacation time an employee may carry-over after their anniversary date of hire to no more than one hundred twenty (120) hours.

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

SECTION 1. That § 131.11 of the Codified Ordinances of Madison Village, Ohio is hereby amended as shown herein below by adding new section (F):

- (F) Village employees may carry-over from their anniversary date of hire to their subsequent anniversary date of hire no more than one hundred twenty (120) hours of unused vacation time. In the event that an employee has more than one hundred twenty (120) hours of unused vacation time accrued upon their anniversary date of hire, and notwithstanding any election they make under subsection (E), then the employee shall be paid upon that anniversary date of hire for all unused hours in excess of one hundred twenty (120) at their current rate. For a person employed by the Village as of the effective date of this ordinance, it shall not take effect until the year after their next anniversary date of hire. In the event of a conflict between this section and any collective bargaining agreements, the terms of the collective bargaining agreements are controlling.

SECTION 2. That sections (A), (B), (C), (D), and (E) of § 131.11 of the Codified Ordinances of Madison Village, Ohio remain fully in effect as now enacted.

131.11 VACATIONS. [ED - as amended by Ordinance No. 9-2022 (eff. __/__/2022)].

(A) Full time employees shall be granted vacation leave at straight time pay in accordance with the following schedule:

Years of service <u>with the Village:</u>	<u>Hours per year:</u>
After 1	40
After 2 - 4	80
After 5 - 12	120
After 13 - 15	160
After 15 - 25	200
After 25	240

Vacation leave shall be capped at 240 hours.

(B) An employee's anniversary date for the purpose of computing the amount of vacation leave is the date full time employment with the Village commenced. The anniversary date is the first date that the additional vacation time is available for use.

(C) Upon leaving employment, employees shall be paid for earned unused vacation time. In the case of the death of an employee, unused vacation shall be paid to the estate of the deceased employee.

(D) Vacation leave shall be approved in advance by the department head, giving first consideration to the needs of the department. Seniority shall prevail when there is a conflict in requests for vacation dates.

(E) Village employees may request payment in lieu of vacation after approval by the Administrator (up to eighty (80) hours annually).

(F) Village employees may carry-over from their anniversary date of hire to their subsequent anniversary date of hire no more than one hundred twenty (120) hours of unused vacation time. In the event that an employee has more than one hundred twenty (120) hours of unused vacation time accrued upon their anniversary date of hire, and notwithstanding any election they make under subsection (E), then the employee shall be paid upon that anniversary date of hire for all unused hours in excess of one hundred twenty (120) at their current rate. For a person employed by the Village as of the effective date of this ordinance, it shall not take effect until the year after their next anniversary date of hire. In the event of a conflict between this section and any collective bargaining agreements, the terms of the collective bargaining agreements are controlling.

131.12 LONGEVITY COMPENSATION. [ED - as amended by Ordinance No. 01-2022 (eff. __/__/2022)].

(A) An employee's anniversary date for the purpose of computing the amount of vacation leave is the date full time employment with the Village commenced. All full time employees shall receive longevity payments of one hundred (\$100.00) dollars per year of full time service for up to twenty (20) years maximum, not to exceed two thousand (\$2,000.00) dollars.

(B) Payment of the longevity pay will be in a lump sum, made during the pay period of the employee's employment anniversary date.

131.13 JURY DUTY.

(A) Full time employees who are called for jury duty shall be excused from work for the days on which they are required to serve.

(B) Employees shall receive their regular rate of pay for each day of jury duty leave, less any compensation received from the court.

131.14 HOURS OF WORK; OVERTIME; CALL-IN PAY; COMPENSATORY TIME. [ED - as amended by Ordinance No. 01-2022 (eff. __/__/2022)].

(A) All full time Village employees shall have a work week of forty (40) hours, excepting those salaried non-exempt employees who may have variable work week hours.

(B) Non-exempt full time employees required to work more than forty (40) hours during a work week shall be compensated at the rate of one and one-half times the employee's base rate of pay for all work over forty (40) hours in a work week. Such payment shall be made to the nearest one hundredth of an hour. Holidays, sick leave, and vacations taken as days off shall count as hours worked.

(C) Non-exempt full time employees called in and required to work at a time other than their regular scheduled hours of work shall be paid a minimum of three (3) hours at the rate of one and one-half times such employee's regular rate of pay.

(D) Part time employees shall be paid at a rate of one and one-half times the employee's base rate of pay for all work over forty (40) hours in a work week.

(E) Full time hourly employees may be eligible for compensatory time. In lieu of paid overtime, an employee may register hours worked (that exceed forty (40) hours per work week) on his/her time sheet in the compensatory time column. Compensatory time hours shall be compensated at the rate of one and one-half times the actual hours worked in excess of forty (40). The employee may then use the earned compensatory time in the same manner as vacation, during that vacation year. In the event an employee begins to accrue compensatory time, such accrual shall not exceed One Hundred Twenty (120) hours. A maximum of One Hundred (100) hours of compensatory time may be carried over at the end of the calendar year into the next year. Compensatory time taken as time off shall be subject to the prior approval of the Mayor or her/his designee. Compensatory time off shall be granted in accordance with operational needs and upon reasonable request by the employee requesting said time.

131.15 SICK LEAVE.

(A) Crediting of sick leave. Sick leave shall be earned by full time employees at the rate of 0.0575 per hour for all hours worked up to 4.6 hours per pay period.

(B) Sick leave accumulated during authorized absences. Employees absent from work on authorized holidays or vacation leave shall continue to accumulate sick leave at the rate prescribed in division (A) of this section.

(C) Use of sick leave. An employee eligible for sick leave with pay may use sick leave for absence due to personal illness, injury, exposure to contagious diseases which could be communicated to other employees, illness or injury, or in the event any of these circumstances occur to an immediate family member, as defined in § 131.09(C). Sick leave may not be used for any other reason.

(D) Notification by the employee. When an employee is unable to work, he or she shall notify the immediate supervisor immediately but in no event later than one (1) hour before the time the employee is scheduled to report to work. Failure to do so may be cause for denial of sick leave with pay for the period of time absent.

(E) Evidence required for sick leave usage. Proof of illness or injury to substantiate a request for any sick leave pay may be requested by the Administrator, or his/her designee, for an absence of more than three (3) days, if, in the judgment of the Administrator, or his/her designee, such that the employee's (or, when applicable, their immediate family member's) physical condition prevented the employee from performing the duties of the employee's position (or, when applicable, required the employee to attend to the needs of their immediate family member). The Village reserves the right to have the employee submit to a medical examination, at the Village's cost, to confirm any illness. Any employee fraudulently obtaining sick leave may be subject to disciplinary action.

(F) Sick leave conversion. Full time employees with fifteen (15) or more years of service who retire, become disabled, or are separated from employment for reasons other than discharge for cause may elect at the time of retirement, disability, or separation to be paid in cash for one-half of the value of any unused sick leave the employee has accumulated not to exceed two hundred and forty (240) hours.

131.16 UNPAID LEAVE.

(A) If an employee has exhausted any and all requests and balances of time off, paid or unpaid, they can request leave under the Family Medical Leave Act.

(B) At the time an employee exhausts Family Medical Leave Act leave and does not report to work or request an unpaid disability leave, the employee shall be considered terminated from employment with the Village.

(C) During a disability leave, the employee shall not be entitled to any Village compensation or any existing Village fringe benefits and shall not accumulate seniority.

(D) Reinstatement following a duly authorized disability leave shall be in the form of a written statement by a reputable physician certifying that the employee's physical condition will enable him or her to perform the duties of his or her former position with the Village.

131.17 INSURANCE BENEFITS.

(A) All regular full-time employees of the Village ("regular" shall in all instances exclude seasonal and temporary employees) are eligible to subscribe to the following, but subject to the Village contribution limits as set forth in division (D) of this section:

(1) A group healthcare insurance plan with the schedule of benefits, conditions, and limitations in accordance with the terms of the group plan.

(2) A prescription drug plan.

(3) A group dental plan with the schedule of benefits, conditions, and limitations in accordance with the terms of the group plan purchased.

(4) Term life insurance coverage in the amount of twenty thousand (\$20,000.00) dollars in accordance with the terms of the group policy.

(B) An eligible full time employees that waives healthcare, prescription, and dental insurance coverage despite being eligible to participate in the Village's plans will receive a stipend equal to fifty-five percent (55%) of the Village's share of the employee's individual, single-coverage premium that would otherwise be paid by the Village had the employee enrolled. The stipend will be paid at the time of the employee's routine wage pay dates and in nearly equal amounts, accounting for customary rounding.

(C) The Village shall make no payment of premium or other charges for the benefit of an employee after termination of his or her employment.

(D) The Village will contribute to monthly benefit premiums for healthcare, prescription, and dental insurance, as provided in division (A) of this section, for full time eligible employees an amount not to exceed the percentage shown below for the total premium cost for the healthcare, prescription, and dental insurance plans in which the employee is enrolled, as adjusted for each of the years noted below:

	2019	2020	2021 and years subsequent
Village Percentage Share:	Ninety (90%) Percent	Eighty-Nine (89%) Percent	Eighty-Eight (88%) Percent

An employee's contributions to monthly benefit premiums shall be the difference between the Village percentage contributions, as detailed above, and the balance of the current premium for the healthcare, prescription, and dental insurance plans in which that employee is enrolled.

(E) The Village reserves the right to change insurance carrier(s) and/or employee contribution at its discretion.

(F) Regular part time employees ("regular" shall in all instances exclude seasonal and temporary employees) who meet all eligibility requirements may subscribe the medical plan(s) offered by the Village if all of the following conditions are met:

- (1) The employee must work an average of fifty (50) hours per pay period.
- (2) All premiums shall be paid one hundred (100%) percent by the employee.
- (3) The employee must submit payment for each monthly premium by the end of the previous month to ensure coverage for the next month. No invoices or reminders will be sent to the employee by the employer or the insurance company. The employee is wholly responsible for assuring the payment is received by the last day of each month for insurance coverage for the following month. Failure to follow this procedure will result in loss of any and all coverage under this section.
- (4) The Village reserves the right to discontinue or change insurance carriers at any time.
- (5) The employee is responsible for full payment of any increase(s) in premiums.

- (6) The employee must abide by all rules of the plan he or she selects.
- (7) Should any plan modify its eligibility requirements such that an enrolled employee no longer qualifies to participate in the plan, the Village shall in no way be responsible for providing or arranging for alternate coverage.
- (8) If the employee does not apply for coverage within thirty (30) days of attaining eligibility for it, a waiting period may be imposed.
- (9) The medical plan permits the enrollment of regular part time employees, provided that said permission of enrollment does not increase the premium rate paid by the Village for its covered employees, or cause a reduction in plan benefits, or cause the Village to receive any other unfavorable treatment by the medical plan.

Introduced by:
Councilpersons Vest and Lee

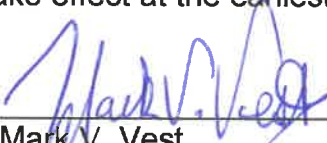
SECTION 3. The replacement Code pages to be published in accordance with law is attached hereto as Exhibit 1.

SECTION 4. 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 5. That this Ordinance shall take effect at the earliest time provided by law.


PASSED:

1st Reading: 7-25-2022
2nd Reading: N/A
3rd Reading: N/A




Mark V. Vest
President of Council

Attested:



Kristie M. Crockett,
Fiscal Officer / Clerk of Council

Approved:



Sam Britton, Jr.,
Mayor

7/25/2022
Date