

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CODIFIED ORDINANCE
CHAPTER 260, EMPLOYEES GENERALLY.

WHEREAS, the Human Resource Director and Human Resources Committee recommended amending certain sections of Codified Ordinance Chapter 260; and

WHEREAS, Council, coming now to consider said recommendation, approves it in full.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 260.04(c) is hereby amended as follows:

(c) Payment for Unused Sick Leave Upon Retirement.

(1) A full-time non-bargaining employee, at the time of acceptance for retirement by the Public Employees Retirement System, the Police Pension, or the Fire Pension, if he/she/they has/have ten or more years of full-time service as an employee of the City, and if his/her/their retirement is within ninety days of his/her/their last day of service with the City, may elect to receive termination pay.

(2) Each full-time non-bargaining employee who qualifies shall receive fifty percent of his/her/their accumulated sick leave credit up to a maximum of ~~120~~ **180** days. Payment shall be based on the daily rate of pay at the time of retirement and shall not exceed ~~sixty ninety~~ **days (480 720** hours) of accumulated unused sick leave.

Section No. 2: That Codified Ordinance Section 260.04(d) is hereby amended as follows:

(d) Employer Unused Sick Leave Buy Back.

(1) Any full-time non-bargaining employee may elect each year to have the employer buy back a maximum of 120 hours of sick time for the current year. A written request must be completed by the employee to do so and be submitted to the employer no later than ~~November 30~~ **December 31** of the year of the actual conversion. The employee shall specify in writing the number of sick days (or hours) to be converted. The rate of conversion will be one day (eight hours) of pay at the employee's regular rate for each two days (sixteen hours) of sick leave converted. The conversion will result in the employee having his/her/their sick leave account reduced by the number of sick leave days converted. Converted hours will not count as "hours worked" in the week paid out for the purpose of calculating overtime, and the leave converted under this program is done on the last in, first out basis.

(2) The employee will receive the payout no later than ~~the first pay period of the next year~~ **second full pay period the following year**. No employee shall be permitted to convert any more leave than he/she/they would otherwise earn in a calendar year less any leave earned and used in the calendar year.

Section No. 3: That Codified Ordinance Section 260.24 is hereby repealed, and the following subsections are added to Codified Ordinance Section 260.04:

(e) Payment For Unused Sick Leave Upon Retirement.

In lieu of a portion of the maximum severance pay allowed in Section 260.03 (a)-(d), full-time non-bargaining unit employees with either a total of twenty-six years of PERS-accepted credit time, or who are eligible for PERS pension on the date of their proposed retirement, may request to convert their current awarded sick leave hours to paid wages.

(1) Sick leave shall be limited to a maximum annual accumulation of 120 days of sick leave per year.

(2) Any sick leave utilized during this program will be deducted from the employee's past bank of accumulated hours, if applicable on a first-in-first-out (FIFO) basis.

(3) The payment for the accumulated hours shall be made on the last pay of December, except that the final payment shall be made at the time of retirement.

(4) The hourly rate used to calculate the amount of the payment shall be 100 percent of the employee's prevailing rate of pay at the time of the payment, with the current appropriate amount of pension deduction for employee and employer shares of pension contributions. All sick leave hours converted to payment shall be deducted from the maximum allowed under Section 260.03(a)-(d).

(5) By submitting the request to participate in this sick leave buyout plan, the employee acknowledges that his/her/their final sick leave balance, upon retirement for severance calculation pursuant to Section 260.03(a)-(d), will be reduced by the amount paid (maximum of 120 hours annually). At no point shall the payment received exceed the maximum number of sick days allowed to be paid out upon retirement pursuant to Section 260.03(a)-(d) in order to insure no additional costs to the City. If the employee fails to execute retirement or withdraws from the program, he/she/they:

A. Must repay any amounts received under the program in order to re-enroll; or

B. Will only be eligible for future severance payments to the maximum allowed, less any time previously paid under this plan.

(6) The employee must submit a request in writing to the department head, with a copy to the Finance Director, asking for enrollment in this plan. A copy of the employee's most recent PERS service credit statement must be attached to the request.

A. Within ninety days, the Finance Director will notify the employee of his/her/their correct sick leave balance, and the number of hours to be paid at the last pay of December.

B. The employee then has thirty days within which to dispute any balance in question.

(7) The arrangement is not a guarantee of employment, and the City reserves the right to terminate this plan at the end of any given calendar year.

Section No. 4: That Codified Ordinance Section 260.08, Holidays, is hereby amended as follows:

(a) Full-time non-bargaining members of the Fire Department who work a forty-hour week shall be entitled to the following holidays:

New Year's Day	Labor Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Four personal holidays after the first anniversary of employment	

~~(b) (1) All shift non-bargaining employees of the Police Department shall be granted an eight-hour period for each of the following holidays:~~

-

New Year's Day	Labor Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Three personal holidays after the first anniversary of employment	

~~(2) In addition to the above, all shift non-bargaining employees shall be compensated for hours worked at a rate of double (two times) their hourly rate of pay when they work Thanksgiving Day or Christmas Day, and one and one-half of their hourly rate for the remaining six holidays.~~

(c b) Full-time non-bargaining members of the Police Department who work a forty-hour week shall be entitled to the following holidays:

New Year's Day	Labor Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Four personal holidays after the first anniversary of employment	

(d c) All other full-time non-bargaining Municipal Utilities employees shall be entitled to the following holidays:

New Year's Day	Labor Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Four personal holidays after the first anniversary of employment	

(e d) All other full-time non-bargaining Municipal Utilities employees shall be entitled to the following holidays:

New Year's Day	Labor Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Eve
Christmas Day	
Five personal holidays after the first anniversary of employment	

(e) The Mayor shall receive two personal holidays in addition to the four personal holidays provided in this division.

(f) For employees included in subsections (a), (b), (c), and (d) hereof, if a holiday falls on a Sunday, the following Monday shall be the holiday. If a holiday falls on a Saturday, the preceding Friday shall be the holiday.

Section No. 5: That Codified Ordinance Section 260.09, Uniform Allowances, is hereby amended as follows:

(a) Police Department. The Chief of Police shall receive a clothing allowance of one thousand ~~two~~ seven hundred dollars (~~\$1,200~~ \$1,700) for the purchase and maintenance of regulation uniforms and clothing to be paid in two installments of ~~six~~ eight hundred fifty dollars (~~\$600~~ \$850) each on the scheduled paydays immediately preceding April 1 and October 1.

(b) Fire Department. The Fire Chief shall receive a uniform allowance of two hundred dollars (\$200.00) more than the current allotment in the effective collective bargaining agreement between the City and the Avon Lake IAFF; the Assistant Chiefs shall receive one hundred fifty dollars (\$150.00) more than the current allotment (as noted above) and the Fire Chief's Secretary (Administrative Assistant, if ordered to wear non-civilian clothing) shall receive one hundred dollars (\$100.00) less than the current collective bargaining agreement rate. All clothing allowances will be paid two

equal installments on or before April 1 and October 1 of each calendar year. All of these affected employees must have served their probationary period prior to receiving this benefit unless otherwise allowed by City hiring ordinance(s).

(c) Non-bargaining full-time employees in the Public Works and Building Departments shall receive a boot or safety/work shoe allowance of two hundred dollars (\$200.00) annually (paid on April 1); other non-bargaining employees and/or supervisors may also receive this allowance via their hiring ordinance or as enacted by City Council. In addition to a boot allowance, these same employees shall be entitled to a work clothing allowance of ~~six~~ **seven** hundred **fifty** dollars (~~\$600.00~~ **\$750**) per year following the same provision as the boot allowance.

Section No. 6: That Codified Ordinance Section 260.12, Longevity Compensation, is hereby amended as follows:

(a)(1) The following longevity compensation plan is hereby established for all full-time non-bargaining unit employees. Eligible full-time non-bargaining unit employee(s) shall be paid longevity compensation equal to the rate negotiated in the current collective bargaining agreement of that department.

(2) Non-bargaining unit employees with more than one collective bargaining agreement in their department shall be paid according to the longevity scale with the higher beginning dollar value. Employees working in a department without a bargaining unit will be paid in accordance with the scale below:

<i>Consecutive Full Years of Service</i>	<i>Amount of Annual Pay for Year 2020</i>
6	\$600
7	\$700
8	\$800
9	\$900
10	\$1,000
11	\$1,100
12	\$1,200
13	\$1,300
14	\$1,400
15	\$1,500
16	\$1,600
17	\$1,700
18	\$1,800
19	\$1,900
20 OR MORE	\$2,000.00 per year until termination

20	\$2,000
21	\$2,100
22	\$2,200
23	\$2,300
24	\$2,400
25	\$2,500 Per year until terminated

Section No. 7: That Codified Ordinance Section 260.XX, Unauthorized Leaves, is hereby added as follows:

An employee absent from work for unauthorized reasons, not included in Section 260.14 and/or without authorization or approval, shall be considered on an unauthorized leave. An unauthorized leave for three or more consecutive working days may be considered by the department head as an automatic resignation.

Section No. 8: That Codified Ordinance Section 260.15, Employee Records, Responsibilities of Department Heads, is hereby amended as follows:

All department heads shall provide holiday, sick leave and vacation information with each payroll. **Time Off Requests** covering sick leave shall also be submitted with the bi-weekly payroll. Documentation of time charged in processing payroll (i.e. vacation, sick) are the responsibilities of the Department Heads.

Section No. 9: That Codified Ordinance Section 260.17, Use of City Vehicles by City Employees, is hereby amended as follows:

~~(3) No City official shall use a City vehicle for personal or non-City business.~~

(3) Personal use of City vehicles is permitted where such personal use is *de minimis* and incidental to the employee's use of the City vehicle and does not result in:

- A. A significant deviation from the course of travel on City business;**
- B. Exposure of the City vehicle to substantial additional risk or loss or damage; or**
- C. Exposure of the City to substantial additional risk of liability.**

(4) Non-employees and non-business passengers (i.e. family and friends) are prohibited from riding in City vehicles, except for when personal use is *de minimis*.

Section No. 10: That Codified Ordinance Section 260.24, Payment for Unused Sick Leave Upon Retirement¹, is hereby repealed.

¹ See Section No. 3 above.

Section No. 11: That Codified Ordinance Section 260.25, Compensation Time is hereby amended as follows:

(c) If any compensation time off is not used during the calendar year in which it was earned, the employee shall be paid for the same in cash 31 days after the end of such calendar year, **at the pay rate effective in the year the compensation time was earned.**

Section No. 12: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 13: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 2/24/2025

2nd reading:

3rd reading:

PASSED: 3/10/2025

/s/ Jennifer J. Fenderbosch
Council President

POSTED: 3/14/2025

APPROVED: 3/11/2025

ATTEST: */s/ Valeria E. Rosmarin*
Clerk of Council

/s/ Mark A. Spatzel
Mayor