

**ORDINANCE NO. 059-13**

**AN ORDINANCE AMENDING CHAPTER 197 OF THE CITY OF  
NAPOLEON'S PERSONNEL CODE REGARDING VACATION  
COMPUTATION UPON RETIRE/REHIRE**

**WHEREAS**, the Council for the City of Napoleon desires to limit retire/rehire situations; and,

**WHEREAS**, City of Napoleon's Personnel Code currently allows a person who has retired from the City of Napoleon in accordance with any retirement plan offered by the state after August 1<sup>st</sup>, 2005, shall upon rehire to a full time position with the City of Napoleon, be granted the same service credit the retiree received just prior to his or her retirement; and,

**WHEREAS**, the Council for the City of Napoleon, knowing that it can grant benefits in excess of the minimums established by law, now desires to strictly adhere to the requirements of ORC 9.44(C); Now Therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON,  
OHIO:**

**Section 1.** That, Section 197.18 of the City of Napoleon's Personnel Code is hereby amended and enacted as follows:

**"197.18 VACATIONS**

(a) Entitlement Restrictions

Except as otherwise provided in Section 197.18(h), full-time regular employees are entitled to vacation with pay after one (1) year of continuous service in the most recent employment with the City and will be due only upon the completion of the first year of said employment, calculated from hire date. The amount of vacation leave to which an employee is entitled is based upon length of service and calculated and earned on a biweekly basis as follows:

Full-time regular employees (except Assistant Chief of the fire/rescue department positions)

Years of Service	Annual Hours	Bi-Weekly Accrual Hours
0 year but less than 6 years	80 hours	3.077 hours/each normal pay
6 years but less than 12	120 hours	4.616 hours/each normal pay
12 years or more	160 hours	6.154 hours/each normal pay

Full-time Assistant Chiefs of the fire/rescue department positions:

0 year through 1	48 hours	1.85 hours/each normal pay
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2 years through 8	120 hours	4.62 hours/each normal pay
9 years through 15	192 hours	7.385 hours/each normal pay
16 years or more	240 hours	9.231 hours/each normal pay

(b) Effect of Time Spent on Authorized Leave of Absence

Time spent on any authorized leave of absence, whether paid or unpaid, shall be counted in determining length of service for purposes of vacation eligibility.

(c) Scheduling of Vacations

Vacations will be arranged to give consideration to the desire of the employee in accordance with a procedure established by the employee's department head which will not interfere with City operations.

(d) Vacations to be Taken During Year After Earned

Except for the first year of service, accrued vacation leave may be taken by an employee at any time after accrual and entitlement, subject to the minimum increments established, so long as properly scheduled in accordance with other provisions of this Code, policy manual or work rule. An employee shall not allow his/her total vacation time to exceed eighty (80) hours his/her maximum accrual entitlement for any employment year (considered for the purpose of this Section as being from the employee's anniversary date to the employee's next anniversary date) without prior approval from the appointing authority. This provision is applicable to accrued vacation as a result of sick leave conversion which is authorized in Section 197.16(e)(12) of this Code. When carryover is requested by a department director, such approval may be by the council president, with notification to the body of council, or merely by the body of council.

(e) Vacation Forfeiture

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of any authorized balance; moreover, any vacation time accrued in the first year of service shall be forfeited if any employee fails to complete one (1) year of continuous service.

(f) Accrual

Vacation leave is accrued only while on active pay status, excluding overtime and in accordance with Section 197.18(a).

(g) Lump Sum Payment of Vacation

In the event an employee is denied the opportunity to schedule and take accrued vacation leave due to operational needs of the City, or in the event an employee fails to

schedule and take accrued vacation leave due to the operational needs of the City, the appointing authority may authorize a year-end lump sum payment to the employee in an amount not to exceed the monetary value of the employee's annual vacation accrual as provided in Section 197.18(a). In the case of a department director, lump sum payment may be approved by the council president, with notification to the body of council, or merely by the body of council.

(h) Prior Service Credit.

A. Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after July 5, 1987 by the City of Napoleon, the employee shall have only his or her prior service with the City of Napoleon counted. Those employees (not elected officials) who were employed by the City of Napoleon prior to July 5, 1987 shall have all their public service with the State of Ohio or any of its political subdivisions credited pursuant to Ohio R.C. 9.44 (A). An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the State of Ohio or any political subdivision of said State on or after June 24, 1987, shall not have his or her prior service with the State of Ohio or any political subdivision of said State counted for the purpose of computing vacation leave., ~~except as otherwise herein provided. An employee who retired from the City of Napoleon in accordance with the provisions of any retirement plan offered by the State of Ohio and who retired from the City of Napoleon after August 1, 2005, shall upon rehire to a full-time regular position with the City of Napoleon, be granted the same service credit the retiree received just prior to his or her retirement and thereafter the service credit shall increase on an annual basis.~~

B. Except as may be otherwise provided for by separate legislation, employees entitled to prior service credit for purpose of computing vacation leave shall have their anniversary date deferred to their most recent date of employment with the City of Napoleon for purposes of: (1) vacation use or, (2) any use or forfeiture policy regarding vacation.

C. Elected officials are not entitled to prior service credit for purpose of calculating vacation benefit, if any. (Ord. 093-08. Passed 12-15-08.)

**Section 2.** That, Sections 197.18 of the Codified Ordinances, as existed prior to the enactment of this Ordinance, is repealed.

**Section 3.** That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

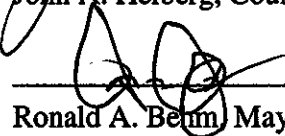
**Section 4.** That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

**Section 5.** That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: November 18, 2013

  
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John A. Helberg, Council President

Approved: November 18, 2013

  
\_\_\_\_\_  
Ronald A. Beum, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

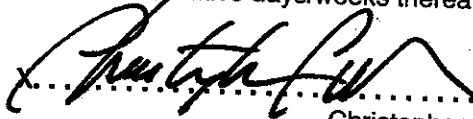
I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 059-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 12<sup>th</sup> day of December 2013; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

  
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Gregory J. Heath, Clerk/Finance Director

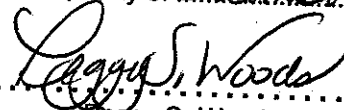
# PROOF OF PUBLICATION

State of Ohio, Henry County, ss.

Christopher Cullis, being first duly sworn, deposes and says that he is the Publisher of the Northwest Signal, a daily newspaper published in Napoleon, in said Henry County, Ohio, and of general circulation therein; that the annexed advertisement and notice was printed and published in said newspaper for ..... days/weeks, the first insertion being on the ...12... day of December 2013 and for .....0..... consecutive days/weeks thereafter.

  
.....  
Christopher Cullis

Subscribed to in my presence and sworn before me this 24 day of December 2013.

x.   
.....  
Peggy S. Woods, Notary Public

My Commission expires: September 4, 2016

Notary Fees ..... \$ 1.00  
Printer's Fees ..... \$ 193.80

## SUMMARY OF ORDINANCE NO. 58-13 AND RESOLUTION NO. 51-13

(PURSUANT TO ARTICLE II, SECTION 2-15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6-2-4, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

### NOTICE

A copy of the applicable text of the ordinance and resolution is on file in the City Finance Director's office and is available for public inspection during regular business hours at the City of Napoleon, Ohio, 1000 North Main Street, Napoleon, Ohio 44662.

### Ordinance 58-13

**AN ORDINANCE TO APPROVE CURRENT AUGUST 2013 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES**  
In this legislation, the City of Napoleon approved the August 2013 Replacement pages to the Napoleon Codified Ordinances.

### Ordinance 059-13 / Resolution 51-13

**AN ORDINANCE AMENDING CHAPTER 197 OF THE CITY OF NAPOLEON'S PERSONNEL CODE REGARDING VACATION COMPUTATION UPON RETIRE/REHIRE**  
In this legislation, the City of Napoleon amended the Personnel Code for the way vacation computation is figured upon re-tire/rehire.

### Resolution 061-13

**A RESOLUTION PLACING AN ISSUE FOR ADVISORY ELECTION ON THE BALLOT AT THE MAY 6, 2014 GENERAL ELECTION SEEKING TO AUTHORIZE THE CITY OF NAPOLEON TO CEASE OPERATING ITS POLICE, FIRE AND EMS DISPATCH AS IT CURRENTLY OPERATES AND OUTSOURCE SAID OPERATIONS TO THE HENRY COUNTY SHERIFF.**

In this legislation, the City of Napoleon will be placing on the May 6, 2014 ballot whether to cease operating police, fire and EMS dispatch and outsource to Henry County Sheriff's Office.

### Resolution 064-13

**TO APPROVE THE EXECUTION OF AN EFFICIENCY SMART SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC.**

In this legislation, the City of Napoleon executed an efficiency smart schedule with AMP, Inc.

All of the above summaries are approved as to form and correctness by Trevor M. Hayberger, City Law Director