

ORDINANCE NO. 029-14

**AN ORDINANCE AMENDING ORDINANCE 001-14
(AMENDMENT #2) AMENDING PAY INCREASE FOR LAW
DIRECTOR AND FINANCE DIRECTOR; AND DECLARING AN
EMERGENCY**

WHEREAS, Council desires to give an additional pay increase over and above the one and half pay increase already given to the City Finance Director and the City Law Director; and,

WHEREAS, Council desires to make said changes retroactive to pay period starting December 23rd, 2013;

WHEREAS, to achieve the above stated goals Council now desires to amend Ordinance No. 001-14, and Pay Ordinance No. 017-14 to establish an amended Classification Pay Plan; Now Therefore,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, (the "City") establishes a new Position Classification Pay Plan for its non-bargaining municipal employees.

Section 2. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the pay scale (steps) for this City's non-bargaining hourly paid employees (full time) shall be leveled, unless modified, as provided in the table found in Exhibit "A", which is attached and incorporated herein, (expressed in base hourly amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1, and §3 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level of compensation the Department Director deems appropriate as listed in said Exhibit "A".

Section 3. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non-bargaining employee (full time regular) (hourly) holding such a position, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), is eligible on such employee's annual hiring anniversary date of uninterrupted full time service with this City, to be advanced one (1) step in the pay plan until the maximum step is reached. The non-bargaining employee's (full time regular) (hourly) step location prior to advancement in this "New Pay Plan" shall be determined by contrasting employee's base hourly rate said employee received prior to the enactment of this Ordinance with the table found in Exhibit A of this Ordinance for the respective year. For new hires the Appointing Authority may place an employee within the scale where the Appointing Authority deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Step increases for transfer employees shall be in accordance with §197.09(e) of the Personnel Code. A mere reclassification of a current position, where job duties are substantially the same, does not constitute a transfer. Notwithstanding any other provision of this Pay Plan, the Zoning Administrator shall receive a bonus to be pro-rated over the calendar year of *Five Hundred (\$500.00) Dollars* for each certification

he or she holds, as follows: an Ohio Residential Building Official; Ohio Residential Plumbing Inspector; and, Ohio Electrical Safety Inspector. Notwithstanding any other provision of this Pay Plan, the Assistant Chief of the Fire/Rescue Department shall receive a bonus to be pro-rated over the calendar year of *Two Thousand (\$2,000.00) Dollars* for Ohio paramedic certification and services related thereto. Notwithstanding any other provision of this Pay Plan, the Staff Engineer of the City's Engineering Department shall receive an additional *One (\$1.00) Dollar* per hour over and above the established base hourly rate upon successful passage of examinations as administered by the National Council of Examiners for Engineering and Surveying (NCEES), except for the Professional Engineer license (in Ohio) which shall be an increase of *Two (\$2.00) Dollars* per hour over and above the established base hourly rate upon attainment thereof.

Section 4. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the Pay Scale for non bargaining employee (salaried) (full time) positions of this City, not covered or otherwise exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime, shall be leveled, unless modified, as provided in the table found in Exhibit "B", attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1, and §5 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate as listed in said Exhibit "B". The position of Assistant City Manager is hereby created and the pay is set as expressed in exhibit "B".

Section 5. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non bargaining employee (salaried) (full time) position of this City as defined in §4 of this Ordinance, is eligible to have a minimum salary increase of 1.5% for Year 2014, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), calculated from what the employee is making at the time just prior to the proposed increase period. In no event shall any increase place the employee above the top scale as established in §4 of this Ordinance. For new hires or current employees the Department Director (Appointing Authority) may place an employee, at anytime, within the scale where the Department Director deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Notwithstanding the above, the Public Works Director, in addition to the bi-weekly salary and any longevity received by the City Engineer, there shall be the bi-weekly amount of three hundred eighty-four dollars and 62/100 (\$384.62).

Section 6. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the pay scale for non bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime, shall be leveled, unless modified, as provided in the table found in Exhibit "C", attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1 and §7 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate. Notwithstanding any ordinance, resolution, provision of this City's Personnel Code or policy to the contrary, any overtime as it relates to non-exempt salaried employees as found in this §6 shall be calculated on a 40 hour work week and not an 8 hour day. In the case of the Chief

Probation Officer, level placement shall be controlled by Section 14 of this Ordinance and subject to the provisions found in Section 14; moreover, flexible time shall be permitted at the discretion of the Municipal Court Judge as it relates to the Chief Probation Officer; finally, the Chief Probation Officer shall not accrue overtime without the express consent of the Municipal Court Judge.

Section 7. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime and as found in §6 of this Ordinance, is eligible to have a minimum salary increase of 1.5% for Year 2014, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), calculated from what the employee is making at the time just prior to the proposed increase period; however, in no event shall any increase place the employee above the top scale as established in §6 of this Ordinance. For new hires or current employees the Department Director (Appointing Authority) may place an employee, at anytime, within the scale where the Department Director deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay.

Section 8. That, effective with the first pay period of the Year 2014, that commences on or about December 23, 2013, the pay scale (steps) for part time, permanent part time and temporary employees of this City shall be leveled, unless modified, as provided in the table found in Exhibit "D" (which is attached and incorporated herein), except when Federal or State minimum wage of a higher amount is required, then the higher amount of the Federal or State minimum wage shall apply. Subject to the provisions of this City's Personnel Code and Employment Policy Manual PM2001-1, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate within the scale. Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), is applicable only to permanent part time employees.

Section 9. All paid part time, permanent part time, and temporary employees of this City shall, effective with the first pay period of the Year 2014, that commences on or about December 23, 2013, have a minimum hourly base pay increase of 1.5% for Year 2014 calculated from what the employee's base rate was just prior to this proposed increase. Only Permanent part time employees are subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), when applicable. Part time employees of the Fire/Rescue Department will remain on probationary/trainee status until removed by the City Manager upon recommendation of the Fire. For new hires or current employees of this City, the Appointing Authority may place an employee within the scale where the Appointing Authority deems appropriate considering merit and fitness. Nothing in this section shall be construed to prohibit a decrease in pay. The non full time status positions found in the table in Exhibit "D" of this Ordinance (i.e. temporary part time or permanent part time) may be modified by the Appointing Authority at anytime, except that Council shall approve any modification to a full time status. Additionally, the position of part time Management Information Systems (MIS) technician is hereby created as of June 1, 2013 and the pay is set as expressed in Exhibit "D". The position of part time Special Projects Clerk is hereby created and the pay is set as expressed in exhibit "D".

Section 10. That, compensation for employees' appointments made in order to fill temporarily vacant positions shall be at a rate established by the Department Director (Appointing Authority), except that it shall not exceed the top pay scale established in this Ordinance for the position being filled. Temporary positions being filled by temporary employees for whom no pay scale has been established shall be at a pay scale established by the Department Director (Appointing Authority) by comparing the temporary position created to the most similar position established within the same department that is utilizing the temporary employee. In the event no such similar position exists, then it shall be paid in an amount as determined appropriate by the Department Director so long as the amount paid may be accomplished without exceeding the department's annual budget.

Section 11. That, notwithstanding any section of this Ordinance to the contrary, compensation of the Clerk of the Napoleon Municipal Court shall be as found in §4 of this Ordinance unless otherwise set by the Municipal Court Judge pursuant to ORC §1901.31 (C).

Section 12. That, compensation for the Chief Deputy Clerk and all other Deputy Clerks of the Napoleon Municipal Court shall be as set by the Clerk of the Napoleon Municipal Court pursuant to ORC §1901.31 (H). Longevity for full time Deputy Clerks shall be as set by Ordinance or Resolution. A Chief Deputy Clerk shall be considered a Deputy Clerk for longevity purposes.

Section 13. That, the compensation for Municipal Court Bailiff and/or Deputy Bailiff shall be established by the Municipal Court pursuant to ORC 1901.32.

Section 14. That, the position of Chief Probation Officer as established in and for this City of Napoleon for the Napoleon Municipal Court shall be considered a full time regular employee having a salary –non-exempt status. The job description as included in this City's Position Classification Plan as prepared and/or revised by the Municipal Court Judge is continued to be approved by this Council. The Chief Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Chief Probation Officer's salary at any time so long as within the limits of the CCA Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Chief Probation Officer's pay and benefits exceed the amount of the CCA Grant or as otherwise may be supplemented by the Municipal Court. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 15. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Manager of this City shall be Four Thousand and Seventy Dollars and 99/100 (\$4,070.99) and continue to April 30th, 2014, then starting May 1, 2014 the bi-weekly salary shall be three thousand and seventy six dollars and 9231/100 (\$3,076.9231) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 16. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Finance Director of this City shall be ~~Three Thousand Four Hundred and Seventy Six dollars and 46/100 (\$3,476.46)~~ **THREE THOUSAND FIVE HUNDRED AND NINETY SIX AND 34/100 (\$3,596.34)** continue as such each year thereafter, so long as employed, unless modified by Council. **ADDITIONALLY, THE CURRENT FINANCE**

DIRECTOR, IF STILL EMPLOYED WITH THE CITY OF NAPOLEON AS FINANCE DIRECTOR SHALL BE GIVEN A 3 % (THREE PERCENT) INCREASE IN PAY FOR 2015, OVER AND ABOVE ANY OTHER INCREASE THAT COUNCIL MAY CHOSE TO GIVE AT THAT TIME.

Section 17. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Law Director of this City shall be ~~Two Thousand Five Hundred and Forty Eight Dollars and 42/100 (\$2,548.42)~~ ***TWO THOUSAND FIVE HUNDRED NINETY EIGHT DOLLARS AND 64/100 (\$2598.64)*** and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 18. That, all positions and/or classifications found in this Ordinance shall be deemed created, established, and existing in and for the City of Napoleon, Ohio. The status of part time employees may be further defined by the Department Director (Appointing Authority) as permanent part time, temporary, seasonal, or intermittent employees without affecting the compensation status as stated in this Ordinance. Nothing in this Ordinance shall be construed as mandating that each and every position and/or classification be filled by this City.

Section 19. That, those employees who are covered by collective bargaining agreements shall be paid in accordance with the respective collective bargaining agreement.

Section 20. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 21. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 22. That, all pay scales reflected in this Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 23. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 24. That, Ordinance No. 017-14 is repealed in the entirety effective December 24, 2013.

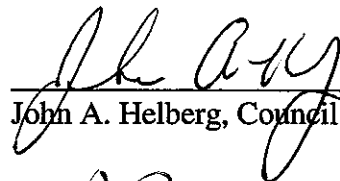
Section 25. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal 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 26. 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 27. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: April 21, 2014


John A. Helberg, Council President

Approved: April 21, 2014


Ronald A. Behm, 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. 029-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 19th day of May 2014; & 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.


Gregory J. Heath, Clerk/Finance Director

EXHIBIT "A"

<u>Title</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Clerk-Typist II	\$11.31	\$12.58	\$13.50	\$14.48
Receptionist	12.79	14.18	15.21	16.34
Records Clerk/Recorder	14.06	15.58	16.75	19.22
Account Clerk I	11.31	12.32	12.94	13.69
Account Clerk II	14.06	15.58	16.75	18.08
Civil Engineering Technician	17.15	19.03	20.38	21.87
Senior Engineering Technician	20.36	22.65	24.25	26.01
Zoning Administrator	22.28	24.73	26.49	28.41
Distribution Services Supervisor	24.71	27.45	29.44	31.56
Electrical Construction/Maintenance Inspector	24.71	27.45	29.44	31.56
Chief Water Treatment Operator	20.36	22.65	24.25	26.01
Chief Wastewater Treatment Operator	20.36	22.65	24.25	27.41
Construction Inspector	22.28	24.73	26.49	29.11
Police Lieutenant	25.48	27.66	28.95	30.40
Accounts Payable Clerk	14.06	15.58	16.75	18.08
Administrative Assistant	15.60	17.38	18.67	20.10
Senior Account Clerk	15.60	17.38	18.67	22.06
Sr. Electric Engineering Tech	20.36	22.65	24.25	26.01
Service Building Secretary	11.31	12.32	12.94	13.69
Tax Administrator	15.97	17.75	19.03	22.58
Utility Billing Supervisor	15.97	17.75	19.03	20.38
Asst. Fire Chief	15.13	16.59	17.63	18.67
Staff Engineer	18.93	21.08	22.65	24.34

EXHIBIT "B"

(BASED ON AN 80 HOUR PAY PERIOD)

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Assistant to the City Engineer	\$1718.65	\$2427.05
City Engineer	2443.00	3830.81
Parks & Recreation Director/Cemetery	1645.87	2763.03
Water Superintendent	1903.32	2955.80
Wastewater Superintendent	1903.32	2955.80
Electrical Engineer	1960.10	2780.45
Electric Distribution Superintendent	2144.46	3043.95
Operations Superintendent	1885.18	2663.46
Fire Chief	2239.63	3188.03
Chief of Police	2239.63	3188.03
Golf Course & Grounds Supt.	1816.18	2358.08
Municipal Court Clerk (see Sec 11 of this Ord)	1719.31	1780.00
Assistant Finance Director	1723.15	2623.50
Management Information System Administrator	1779.32	2435.72
Human Resources Director	2028.66	2973.58
Public Works Director	3932.38	4071.20
Assistant City Manager	3000.00	3500.00

EXHIBIT "C"

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Executive Assistant to Appointing Authority	\$1515.20	\$1764.07
Chief Probation Officer	1285.60	1311.20

EXHIBIT "D"

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$9.10	\$12.01
Golf Course Clubhouse Attendant (Seasonal)	7.95	13.13
Lifeguard (Seasonal)	7.95	13.13
Seasonal Laborer - Other	7.95	13.13
Parks Maintenance Worker (Seasonal)	7.95	13.13
Recreation Worker (Seasonal)	7.95	13.13
Probationary/Trainee Fire Fighter/EMT	8.00	11.91
All Fire/Rescue Department (Part Time)	11.60	15.55
Legal Clerk (Temporary)	13.09	20.31
Income Tax /Collection Clerk (Part Time)	9.10	15.51
Construction Engineer (Temporary) Engineer Dept	37.14	38.45
Construction Inspection (Temporary)	12.24	12.67
MIS Technician (Part Time)	14.00	20.00
Human Resource (Part Time)	25.00	38.00
Special Projects Clerk (part time)	50.00	56.00

All Fire/Rescue Dept. as defined in 143.01 of the Napoleon Codified Ordinances (Part Time)