

ORDINANCE NO. 068-15

**AN ORDINANCE ESTABLISHING A NEW POSITION
CLASSIFICATION PAY PLAN FOR EMPLOYEES OF THE CITY
OF NAPOLEON FOR THE YEAR 2016; REPEALING
ORDINANCE NO. 083-14; AND DECLARING AN EMERGENCY**

WHEREAS, Council reviewed the proposed Year 2016 annual appropriation measure and finds, in general, as it relates to non-bargaining employees of the City of Napoleon, Ohio, that a compensation increase of 1.5%, is generally warranted subject to various considerations as contained herein; and

WHEREAS, Exhibits A, B, C, and D attached hereto and incorporated herein, reflect pay scales for City of Napoleon non-bargaining employees. The pay scales noted in these Exhibits generally contain a 1.5% pay increase from 2015 pay scales; and

WHEREAS, Council desires to make said compensation increases effective on the pay period starting December 21, 2015; and

WHEREAS, Council desires to adopt a new 2016 Classification Pay Plan for its non-bargaining employees as stated in this Ordinance and Exhibits A-D; 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 2016 Position Classification Pay Plan ("Pay Plan") for its non-bargaining employees.

Section 2. That, effective with the first pay period for the Year 2016, that commences on or about December 21, 2015, the pay scale (steps) for the City's non bargaining employees (full time) shall be established as provided in Exhibit "A." Exhibit "A" contains base hourly rates. Subject to the provisions of the City's Personnel Code, the Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), and Section 3 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level of compensation the Department Director or Appointing Authority deems appropriate as listed in Exhibit "A." Additionally, the position of Deputy Court Clerk is hereby created and the pay is set as expressed in Exhibit "A."

Section 3. That, effective with the first pay period for the Year 2016, which commences on or about December 21, 2015, each non-bargaining employee (full time regular) (hourly), subject to Employment Policy Manual Policy §8.10 (Compensation Reviews), is eligible on such employee's annual hiring anniversary date of uninterrupted full time service with the 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 the Pay Plan shall be determined by contrasting the base hourly rate said employee received prior to the enactment of this Ordinance with the table found in Exhibit "A" for the respective year. For new hires, the Department Director or Appointing Authority may place an employee within the scale where the Department Director or 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. The Zoning Administrator must provide written proof of each certification to the City Manager prior to receiving the bonus. 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. The Staff Engineer must provide written proof of passage of the NCEES and/or attainment of the Professional Engineer License to the City Manager prior to receiving the increase(s).

Section 4. That, effective with the first pay period for the Year 2016, that commences on or about December 21, 2015, the pay scale for non-bargaining employee (salaried) (full time) positions of this City which are exempt under the Fair Labor Standards Act (FLSA) as it relates to overtime, shall be provided, unless modified, as established in Exhibit "B," attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of the City's Personnel Code, the Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), and Section 5 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate as listed in Exhibit "B."

Section 5. That, effective with the first pay period for the Year 2016, that commences on or about December 21, 2015, each non bargaining employee (salaried) (full time) position of this City as defined in Section 4 of this Ordinance, is eligible to have a minimum salary increase of 1.5% for Year 2016, subject to Employment Policy Manual "Policy §8.10 (Compensation Reviews)," calculated from what the employee is making at the time just prior to the proposed increase period, and as reflected in the amounts expressed in Exhibit "B." In no event shall any increase place the employee above the top scale as established in Section 4 of this Ordinance. For new hires or current employees, the Department Director or Appointing Authority may place an employee, at any time, within the scale where the Department Director or Appointing Authority 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, shall receive a 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 2016, that commences on or about December 21, 2015, the pay scale for non-bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standards Act (FLSA) as it relates to overtime, shall be provided, unless modified, as established in Exhibit "C," attached and incorporated herein (expressed in base biweekly salary amounts). Subject to the provisions of the City's Personnel Code, the Employment

Policy Manual as Amended 2014-1 (Ordinance No. 084-14), and Section 7 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate. Notwithstanding any ordinance, resolution, or 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 Section 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. 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 2016, that commences on or about December 21, 2015, each non bargaining employee (salaried) (full time) position of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime and as found in Section 6 of this Ordinance, is eligible to have a minimum salary increase of 1.5% for Year 2016, 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, and as reflected in the amounts expressed in Exhibit "C" (said amounts include the 1.5% increase). In no event shall any increase place the employee above the top scale as established in Section 6 of this Ordinance. For new hires or current employees, the Department Director or Appointing Authority may place an employee, at any time, within the scale where the Department Director or Appointing Authority 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 2016, that commences on or about December 21, 2015, the Pay Scale (steps) for part time, permanent part time, and temporary employees of this City shall be provided unless modified, as stated in the table found in Exhibit "D" (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 the City's Personnel Code and Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate as listed in Exhibit "D." Employment Policy Manual 2014-1, Policy Section 8.10, (compensation reviews), is applicable only to permanent part time employees, not part time or temporary employees.

Section 9. All paid part time, permanent part time, and temporary employees of the City shall, effective with the first pay period of the Year 2016, that commences on or about December 21, 2015, have a minimum hourly base pay increase of 1.5% for Year 2016 calculated from what the employee's base rate was just prior to this proposed increase, and as is reflected in the amounts expressed in Exhibit "D" (the amounts include the 1.5% increase). Only permanent part time employees are subject to Employment Policy Manual 2014-1 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 Chief. For new hires or current employees of the City, the Appointing Authority or Department Director may place an employee within the scale where the Appointing

Authority or Department Director 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 Exhibit "D" (i.e. temporary part time or permanent part time) may be modified by the Appointing Authority or Department Director at any time, except that Council shall approve any modification to a full time status. Additionally, the position of Probation Officer PIIG Grant 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 or 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 or 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 or Appointing Authority 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 Section 4 of this Ordinance and as stated in Exhibit "B" 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 and as stated in Exhibits "A-D."

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 and as stated in Exhibits "A-D."

Section 14. That, the position of Chief Probation Officer as established in and for the City 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 the Pay 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 2016, that commences on or about December 21, 2015, the bi-weekly salary of the City Manager of this City shall be Three Thousand Four Hundred and Sixty-One dollars and 54/100 (\$3,461.54), and which is supported by Resolution No. 013-15.

Section 16. That, effective with the first pay period for the Year 2016, that commences on or about December 21 2015, the bi-weekly salary of the City Finance

Director of this City shall be Three Thousand Eight Hundred Thirty-Four dollars and 98/100 (\$3,834.98) and shall continue as such each year thereafter, so long as employed, unless modified by Council.

Section 17. That, effective with the first pay period for the Year 2016, that commences on or about December 21, 2015, the bi-weekly salary of the City Law Director of this City shall be Two Thousand Nine Hundred Seventy-One dollars and 15/100 (\$2,971.15) and shall 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 or 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 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, any employee who is employed by the City in more than one position shall be paid overtime in accordance with State and Federal wage and salary laws (specifically, after forty hours of work within one week the person should receive overtime based on the salary or wage for the position they are working when they surpass forty hours for that work week). However, but for the employee's normal scheduled employment, the department that causes the overtime shall be liable for the payment of overtime regardless of where the hours were worked.

Section 25. That, Ordinance No. 083-14 is repealed in its entirety effective December 21, 2015.

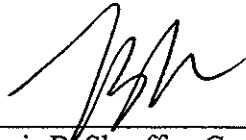
Section 26. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal 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 27. 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 28. 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: December 21, 2015


Travis B. Sheaffer, Council President

Approved: December 21, 2015


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. 068-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 9th day of January, 2016; & 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.

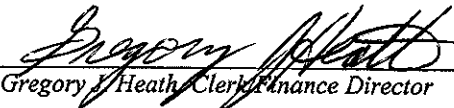

Gregory J. Heath, Clerk/Finance Director

EXHIBIT "A"

(BASE HOURLY RATE)

<u>Title</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Clerk-Typist II	\$11.31	\$13.02	\$13.98	\$14.99
Receptionist	12.79	14.68	15.74	16.92
Records Clerk/Recorder	14.06	16.13	17.35	18.72
Account Clerk I	11.31	12.76	13.40	14.17
Account Clerk II	14.06	16.13	17.35	18.72
Deputy Court Clerk	15.12	16.46	17.66	18.92
Civil Engineering Technician	17.15	19.70	21.10	22.64
Senior Engineering Technician	20.36	23.45	25.11	26.93
Zoning Administrator	22.28	25.60	27.43	29.41
Distribution Services Supervisor	24.71	28.42	30.48	32.67
Electrical Construction/Maintenance Inspector	24.71	28.42	30.48	32.67
Chief Water Treatment Operator	20.36	23.45	25.11	26.93
Chief Wastewater Treatment Operator	20.36	23.45	25.11	28.38
Construction Inspector	22.28	25.60	27.43	30.14
Police Lieutenant	25.48	28.63	29.97	31.48
Accounts Payable Clerk	14.06	16.13	17.35	18.72
Administrative Assistant	15.60	18.00	19.33	20.81
Senior Account Clerk	15.60	18.00	19.33	22.84
Sr. Electric Engineering Tech	20.36	23.45	25.11	26.93
Service Building Secretary	11.31	12.76	13.40	14.17
Senior Service Building Secretary	14.06	16.13	17.35	18.72
Tax Administrator	15.97	18.38	19.70	23.38
Utility Billing Supervisor	15.97	18.38	19.70	21.10
Staff Engineer	18.93	21.82	23.45	25.20

2016-08-15 10:00 AM

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	\$2512.72
City Engineer	2443.00	3966.03
Parks & Recreation Director/Cemetery	1645.87	2860.56
Water Superintendent	1903.32	3060.14
Wastewater Superintendent	1903.32	3060.14
Electrical Engineer	1960.10	2878.60
Electric Distribution Superintendent	2144.46	3151.40
Operations Superintendent	1885.18	2757.48
Fire Chief	2239.63	3300.57
Chief of Police	2239.63	3300.57
Golf Course & Grounds Supt.	1816.18	2441.32
Municipal Court Clerk	1719.31	1923.08
Assistant Finance Director	1723.15	2716.11
Management Information System Administrator	1779.32	2521.70
Human Resources Director	2028.66	3078.55
Public Works Director	3932.38	4214.91
Assistant Fire Chief	2500.00	3070.38
Municipal Court Bailiff		1269.97
City Manager		3461.54
City Finance Director		3834.98
City Law Director		2971.15

EXHIBIT "C"
(BASED ON AN 80 HOUR PAY PERIOD)

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Executive Assistant to Appointing Authority	\$1515.20	\$1826.34
Chief Probation Officer	1285.60	1357.48

EXHIBIT "D"

(BASE HOURLY RATE)

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$9.10	\$12.43
Golf Course Clubhouse Attendant (Seasonal)	8.10	13.59
Golf Course Clubhouse Manager (Seasonal)	8.10	13.59
Lifeguard (Seasonal)	8.10	13.59
Seasonal Laborer - Other	8.10	13.59
Parks Maintenance Worker (Seasonal)	8.10	13.59
Recreation Worker (Seasonal)	8.10	13.59
Senior Center Fitness Coordinator (Part Time)	8.10	13.59
Probationary/Trainee Fire Fighter/EMT	8.10	12.33
All Fire/Rescue Department (Part Time)	11.60	16.10
Deputy Court Clerk (Part Time)	10.09	13.87
Legal Clerk (Temporary)	13.09	21.03
Utility & Income Tax/Account Clerk (Part Time)	9.10	16.06
Construction Engineer (Temporary) Engineer Dept	37.14	39.81
Construction Inspection (Temporary)	12.24	13.11
MIS Technician (Part Time)	14.00	20.71
Probation Officer PIIG Grant		15.00
Deputy Court Bailiff		13.27