

ORDINANCE NO. 010-17

**AN ORDINANCE AMENDING A CERTAIN SECTION OF THE
PERSONNEL CODE CHAPTER 197 OF THE CODIFIED
ORDINANCES OF THE CITY OF NAPOLEON, OHIO; AND
DECLARING AN EMERGENCY**

WHEREAS, City Council acknowledges that from time to time it must review the various codes and policies of the City of Napoleon; and,

WHEREAS, City Council now desires to amend the Personnel Code of the City of Napoleon, Ohio; **Now Therefore**,

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

Section 1. That, the City of Napoleon, Ohio does hereby amend and enact Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio as follows:

“197.18 VACATIONS

(a) Entitlement

All full-time, regular employees earn annual vacation leave. Vacation leave may be utilized, except as otherwise specifically provided in a collective bargaining agreement under Ohio R.C. 4117, as it is accrued. Vacation entitlement will be calculated from hire date with the amount of vacation leave to which an employee is entitled to be based upon length of service and calculated and earned, except as otherwise provided in Section 197.19(h), on a biweekly basis as follows:

Full-time, regular employees:

<u>Years of Service</u>	<u>Annual Hours</u>	<u>Bi-Weekly Accrual Hours</u>	<u>Yearly Balance Limit</u>
Less than 6 years	80 hours	3.077 hours/each normal pay	80 hours per year
6 years but less than 12	120 hours	4.616 hours/each normal pay	120 hours per year
12 years or more	160 hours	6.154 hours/each normal pay	160 hours per year

(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) When Vacation May be Used

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 his/her maximum yearly accrual entitlement for any employment year without prior approval from the appointing authority. For the purpose of this section, the twelve month span of time between employee's anniversary date is an employment year.

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 June 1, 2017 by the City of Napoleon, the employee shall have all the amount of prior Ohio public service for any governmental body in the State of Ohio credited to that employee in determining accrual rate.

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, but prior to June 1, 2017, 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. (Ord. 059-13. passed 11-18-13.)

B. If a newly hired employee has earned prior service credit from previous qualified employment, the employee may be credited for previously earned vacation time from said previous qualified employment, up to two (2) weeks of vacation time, (80 working hours), upon hire at an accrual rate equivalent to the applicable tier rate based on the number of years of prior service, subject to approval by the appointing authority. Additional credit for previously earned vacation time from previous qualified employment may be given upon affirmative vote of council.

C. 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.

D. 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, it is found and determined that all formal action 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 3. That, unless otherwise stated, 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.

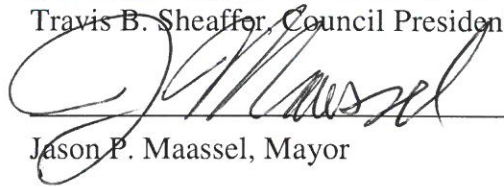
Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to effectuate the changes prior to personnel issues that may arise due to the conflict in past practices versus the actual Code; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: June 5, 2017



Travis B. Sheaffor, Council President

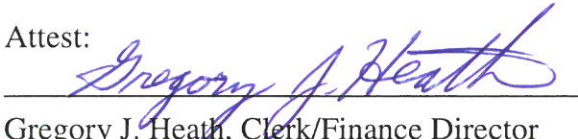
Approved: June 5, 2017



Jason P. Maassel, Mayor

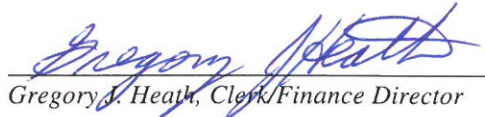
VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

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. 010-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 12th day of June, 2017; & 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