

TEMPORARY ORDINANCE NO. 38-17*

PERMANENT ORDINANCE NO. 38-17

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART ONE – ADMINISTRATIVE CODE, TITLE FIVE, ADMINISTRATIVE, CHAPTER 145 – EMPLOYEES GENERALLY, OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Lancaster no longer requires the codified administrative matters located in Part One – Administrative Code, Title Five – Administrative, Chapter 145 – Employees Generally, because they are documented in collective bargaining unit agreements, annual pay ordinances and the City of Lancaster Employee Handbook;

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

SECTION 1. That Part One – Administrative Code, Title Five – Administrative, Chapter 145 – Employees Generally, be replaced pursuant to Exhibit “A” attached hereto.

SECTION 2. That existing Part One – Administrative Code, Title Five – Administrative, Chapter 145 – Employees Generally, is repealed in its entirety.

SECTION 3. 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 immediate passage of this Ordinance will alleviate any conflicts with existing agreements and is immediately effective upon execution of the Mayor.

Passed: 12/11/17 after 3rd reading. Vote: Yeas 8 Nays 0

Approved: 12/11/17

Clerk: Teresa Lee Sandy

Offered by: Teresa Lee Sandy

Second by: [Signature]

Requested by Law Committee

[Signature]
President of Council

[Signature]
Mayor

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2017 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

CHAPTER 145
Employees Generally

EDITOR'S NOTE: Salary provisions are not codified herein since they are subject to frequent change.

145.01 Physical examination.	145.13 Overtime.
145.02 Sick leave.	145.14 Longevity pay.
145.021 Sick leave vacation conversion and retirement payment.	145.15 Outer protective clothing.
145.03 Uniform allowance.	145.16 Mandatory retirement. (Repealed)
145.04 Hospitalization and medical insurance.	145.17 Funeral leave.
145.05 Holidays.	145.01 145.18 Withholding of contributions to PERS by elected officials.
145.06 Vacations.	145.19 Pick up of contributions of PERS by nonuniform employees.
145.07 Payment of vacation pay and accumulated sick leave to an estate.	145.20 PERS pick up and personal days of employees not in bargaining units.
145.08 Medical and hospitalization insurance.	145.21 Employees service in Desert Shield.
145.09 Wage discussion procedure. (Repealed)	145.22 Acting chiefs and superintendents compensation.
145.10 Residency requirements. (Repealed)	145.23 Nonunion employees benefits.
145.11 Life insurance.	145.24 Military service.
145.12 Injury disability.	

CROSS REFERENCES

Welfare - see Ohio Const., Art. II, Sec. 34
 Worker's compensation - see Ohio Const., Art. II, Sec. 35; Ohio R.C. Ch. 4123
 Wages and hours on public works - see Ohio Const., Art. II, Sec. 37; Ohio R.C. Ch. 4115
 All officers to take oath - see Ohio Const., Art. XV, Sec. 7; Ohio R.C. 3.22, 733.68
 Failure to give bond - see Ohio R.C. 3.30, 731.49 et seq.
 Civil Service Law - see Ohio R.C. Ch. 124
 Reinstatement after military service - see Ohio R.C. 124.29
 Public Employees Retirement System - see Ohio R.C. Ch. 145
 Council to fix bonds and salaries - see Ohio R.C. 731.04, 731.08
 Executive power - see Ohio R.C. 733.01

Conduct and delinquent charges - see Ohio R.C. 733.34 et seq., 733.72 et seq.
Officers' qualifications and oaths - see Ohio R.C. 733.68
Bond of municipal officers - see Ohio R.C. 733.69
Approval of bonds - see Ohio R.C. 733.70
Certain facts shall not invalidate bond - see Ohio R.C. 733.71
Contract interest - see Ohio R.C. 733.78
Strikes by public employees - see Ohio R.C. Ch. 4117
Council approval of collective bargaining agreements - see ADM. 115.01

~~**145.01 PHYSICAL EXAMINATIONS.**~~

~~All applicants for City employment shall have a physical examination from a doctor specified by the Safety Service Director. At the discretion of the Safety Service Director, all City employees returning to work after sick leave shall have a physical examination from a doctor specified by the Director.~~

~~Each department of the City shall pay for the physical examination of its employees or applicants. (Ord. 24-64. Passed 4-13-64.)~~

~~**145.02 SICK LEAVE.**~~

~~Each full-time employee of the City shall be entitled for each completed eighty hours of service to sick leave of four and six-tenths hours with pay. Employees may use sick leave, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees and to illness, injury or death in the employee's immediate family. Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work.~~

~~The appointing authority of each employing unit may require an employee to furnish a satisfactory written, signed statement to justify the sick leave. If medical attention is required, a certificate from a licensed physician stating the nature of the illness shall be required to justify the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal.~~

~~(Ord. 3-82. Passed 2-1-82.)~~

~~**145.021 SICK LEAVE VACATION CONVERSION AND RETIREMENT**~~

~~**PAYMENT.**~~

~~(a) (EDITOR'S NOTE: Subsection (a) hereof was repealed by Ordinance 55-73, passed December 10, 1973.)~~

~~(b) All City employees, upon retirement, will be paid four days wages for each year of continuous employment with the City, of unused sick leave which has been accumulated, to a maximum of 120 days wages.~~

~~(c) All City employees, transferring sick leave from another political subdivision to the City will be paid one day's wages for each four days of unused sick leave transferred, to a maximum of thirty days to be paid upon retirement. In no event, will the combination of sick leave~~

transferred, and the sick leave accumulated with the City exceed a payment of 120 days wages upon retirement. (Ord. 2-76. Passed 1-12-76.)

~~145.03 UNIFORM ALLOWANCE.~~

~~Uniform allowance for the Police Department and the Fire Department shall be as follows:~~

	<u>Initial Allowance</u>	<u>Thereafter*</u>
Police Department	\$300.00	\$275.00
Fire Department	275.00	275.00

~~*Payable at the beginning of each year of service after the initial probationary period. (Ord. 32-78. Passed 11-27-78; Ord. 72-79. Passed 12-10-79; Ord. 61-80. Passed 12-8-80; Ord. 65-81. Passed 12-28-81.)~~

~~145.04 HOSPITALIZATION AND MEDICAL INSURANCE.~~

~~EDITOR'S NOTE: Ordinance 118-65, passed December 13, 1965, was repealed by implication. See Section 145.08 for provisions relative to medical and hospitalization coverage.~~

~~145.05 HOLIDAYS.~~

~~(a) All City employees shall have the following holidays:~~

January 1 - New Year's Day	Columbus Day
Washington-Lincoln Day	Veterans' Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day
July 4	Wednesday of County Fair Week
Labor Day	

~~(Ord. 61-70. Passed 11-23-70; Ord. 75-79. Passed 12-17-79.)~~

~~(b) When a holiday falls on a Saturday, employees shall have the preceding Friday off and when a holiday falls on a Sunday employees shall have the following Monday off. (Ord. 61-70. Passed 11-23-70.)~~

~~(c) Except for operators of the Sewerage Treatment Plant, Water Treatment Plant and Gas Department who are scheduled to and do work on the holidays hereinbefore mentioned in subsection (a) hereof regular employees shall receive special compensation for working such holidays at the rate of one and one-half times such employee's normal daily pay. (Ord. 15-81. Passed over veto 6-1-81.)~~

~~(d) (EDITOR'S NOTE: This subsection was repealed by Ordinance 75-79, passed December 17, 1979.)~~

~~145.06 VACATIONS.~~

~~(a) Definitions. The following definitions are applicable to this section:~~

~~(1) "Week" means any seven consecutive days, including regular or special days off and holidays which may fall within such period of time.~~

~~(2) "Year" means any twelve consecutive months, after the anniversary of employment.~~

~~(3) "Employees" means all persons paid by the City on a full-time basis, except elected officials. (Ord. 32-78. Passed 11-27-78.)~~

~~(b) Establishment. Vacations for City employees are hereby established as follows:~~

~~(1) Employees who have been continuously on the City payroll for one year and who have worked at least 1,600 hours during such year, shall be entitled to two weeks vacation with pay during the year following the service anniversary date.~~

~~(2) Employees who have been continuously on the City payroll for eight years and who have worked at least 1,600 hours during the last year of such eight-year period, shall be entitled to three weeks vacation with pay, during the calendar year of the anniversary date. Employees with fifteen years continuous service shall be entitled to four weeks vacation with pay, during the calendar year of the anniversary date, as provided for herein. Employees with twenty-five years continuous service shall be entitled to five weeks vacation pay, during the calendar year of the anniversary date, as provided for herein.~~

~~(3) Vacations shall be taken during the year in which they become due unless otherwise authorized by the Service-Safety Director limited to one week carry over.~~

~~(4) Vacations may be divided into one-week periods of seven consecutive days each.~~

~~(5) Vacations shall be scheduled according to the judgment of the supervisor, however, consideration shall be given to special requests.~~

~~(6) Employees who are absent from work due to injury sustained during the course of regular employment shall be credited with forty hours per week for such disability for purposes of computing vacation hours.~~

~~(7) In cases where a recognized, paid legal holiday falls within any vacation, such vacation shall be extended one day, and wages or salary at the regular rate shall be granted for the extended one day.~~

~~(Ord. 59-80. Passed 12-8-80.)~~

~~(c) Calculation. Vacation pay shall be calculated as follows:~~

~~(1) For salaried employees, vacation pay shall be a continuation of the regular monthly salary. One week's salary shall be computed by multiplying the monthly salary by twelve and dividing the product by fifty-two.~~

~~(2) For hourly employees, two weeks' vacation pay shall be ten days or eighty hours at the regular rate.~~

~~(3) The pay for three weeks' vacation shall be fifteen days or 120 hours at the regular rate.~~

~~(4) The pay for four weeks' vacation shall be 20 days or 160 hours at the regular rate.~~

~~(5) The pay for five weeks' vacation shall be 25 days or 200 hours at the regular rate. (Ord. 32-78. Passed 11-27-78.)~~

~~**145.07 PAYMENT OF VACATION PAY AND ACCUMULATED SICK LEAVE TO AN ESTATE.**~~

~~The estate of a deceased City employee shall be paid the accumulated vacation pay of such deceased employee. The estate of a deceased employee shall be paid all accumulated sick leave to a maximum of 120 days' wages. (Ord. 2-81. Passed 1-13-81.)~~

~~**145.08 MEDICAL AND HOSPITALIZATION INSURANCE.**~~

~~(a) For the year 1998, the City shall provide group insurance coverage, including medical, dental and prescription benefits, for eligible City employees. The City shall pay the first one hundred forty six dollars eighty two cent (\$146.82) for single coverage and the first three hundred ninety four dollars thirty six cents (\$394.36) per month for family coverage. The employees will pay twenty dollars (\$20.00) per employee for single coverage and fifty dollars (\$50.00) per employee per month for family coverage. (Ord. 75-97. Passed 12-22-97.)~~

~~(b) The Service Safety Director is hereby authorized and directed to advertise for bids and enter into a contract with one insurance company for group coverage benefits equal or better to the present City insurance plan, and all at a cost not to exceed the present City insurance plan. Life insurance shall not be provided as one of the benefits of the plan. (Ord. 2-69. Passed 1-13-69.)~~

~~(c) The group medical and health insurance benefit for part-time employees, shall be limited to and shall be in the same proportion for which the employee is hired and is paid by the City. If the employee, for example, works one-half time, then the City will pay for one-half of this benefit and the employee shall pay for the other one-half. The same example applies for one-quarter time and three-quarter time employees. Part-time employees are defined as those employees who work a minimum of ten hours per week, year round. This limitation shall not apply to elected officials. (Ord. 6-95. Passed 2-27-95.)~~

~~**145.09 WAGE DISCUSSION PROCEDURE.**~~

~~(EDITOR'S NOTE: This section was repealed by Ordinance 18-84, passed May 14, 1984.)~~

~~**145.10 RESIDENCY REQUIREMENT.**~~

~~(EDITOR'S NOTE: This section was repealed by Ordinance 14-95, passed May 8, 1995.)~~

~~**145.11 LIFE INSURANCE.**~~

~~(a) The City shall provide to all full-time employees a life insurance program as follows:~~

<u>Coverage Amount</u>	<u>Years of Continuous Service</u>
\$ 2,000	up to 3
3,000	after 3
4,000	after 4
15,000	after 5

~~(b) The paid insurance program shall remain in effect during employment and after retirement; however after retirement the insurance shall reduce to five thousand dollars (\$5,000) at age sixty five and shall further reduce to two thousand five hundred dollars (\$2,500) at age seventy. (Ord. 13-94. Passed 4-11-94.)~~

~~145.12 INJURY DISABILITY.~~

~~Any City employee who may be disabled as the result of a physical injury suffered in the discharge or performance of his duty shall be entitled to receive his regular salary during such period of disability, but in no case for a longer period than thirty days, without using accumulated sick leave. However, any employee making claim for such compensation as provided in this section shall, at the request of the Service Safety Director, submit himself to a physical examination by a physician. In the event the physician finds that such person is able to resume his official duties he may be ordered to do so and the compensation herein provided for such disability shall forthwith cease. "Physical injury" for purposes of this section shall be defined as any injury caused by external, accidental means and may result from deleterious gases or smoke, but does not include any disease.~~

~~(Ord. 78-79. Passed 12-20-79; Ord. 4-85. Passed 1-28-85.)~~

~~145.13 OVERTIME.~~

~~(a) For an regular City employees that are eligible for overtime in accordance with subsection (b) hereof, the following methods shall be used in computing their pay:~~

~~(1) Overtime worked outside of their scheduled tour of duty shall be paid at the rate of one and one-half times regular pay.~~

~~(2) Overtime worked on a holiday shall be paid at the rate of two and one-half times the straight time rate.~~

~~(3) An employee may earn compensatory time instead of overtime pay with the approval of the department superintendent. For every hour of overtime worked including work on a holiday, the employee shall receive time off equivalent to one and one-half times the overtime hours worked.~~

~~(b) The following employees of the City shall not be compensated for overtime:~~

~~Public Health Nurse~~

~~Environmentalist~~

~~Assistant Tax Commissioner~~

~~Tax Commissioner~~

~~Assistant Supervisor - Utilities Department~~

~~Supervisor - Utilities Department~~

~~Sidewalk and Building Inspector~~

~~Foremen - Gas, Street, Sanitation Departments~~

~~Field Supervisor - Water Department~~

~~Cemetery Superintendent~~

~~Lieutenant - Fire Department~~

~~Assistant Superintendent - Street Department~~

~~Assistant Superintendent - Water Pollution~~
~~Lieutenant - Police Department~~
~~Assistant Superintendent - Gas Department~~
~~Parks Superintendent~~
~~Captains - Fire Department~~
~~Captains - Police Department~~
~~Veterinarian~~
~~Sanitation Superintendent~~
~~Fire Inspector~~
~~Street Department Superintendent~~
~~Superintendent of Electrical Department~~
~~Chief Electrician~~
~~Water Pollution Superintendent~~
~~Assistant Engineer~~
~~Fire Chief~~
~~Police Chief~~
~~Public Health Commissioner~~
~~City Engineer~~
~~Gas Superintendent~~
~~Water Superintendent~~
~~Comptroller - Water Department~~
~~Assistant Fire Chief~~
~~Service - Safety Director~~
~~Drafting Supervisor - Engineering Department~~
~~Assistant Auditor~~
~~Park Ranger~~
~~Chief Operator - Water Pollution Control~~

~~(c) Overtime shall not be paid for school or training purposes.
(Ord. 5-81. Passed 1-26-81.)~~

~~(d) In calculating overtime for the Police Department, such computation shall be based on an eighty-eight hour pay period. Computation for the Fire Department shall be based on hours over and above a twenty-four consecutive hour work day.
(Ord. 52-73. Passed 11-26-73.)~~

~~(e) Call in Pay:~~

~~(1) "Call in" means when a foreman or supervisor specifically requests an employee to return to work to do unscheduled, unforeseen or emergency work after the employee has left work upon the completion of his regular day's work but before he is scheduled to return to work the next day.~~

~~(2) When an employee is called in on such a service call, he shall be paid two hours pay at his regular rate or he shall be paid for the actual hours worked at the applicable premium time, whichever is greater.~~

~~(3) Any employee may earn compensatory time instead of overtime pay with the approval of their department superintendent. For every hour of overtime worked they shall receive one and one-half hour off during their regularly scheduled work week. See leaves without pay for nonpaid time.~~

~~(4) This section does not apply to those employees who are on regularly scheduled or customer service type call-in duty. These employees shall be paid at the rate of one and one-half times regular pay for the accumulated hours of after regular hour call-ins, per pay period, based upon a minimum of one hour credit per call-in, with actual time credited over one hour per call-in.~~

~~(5) In the case of employees being scheduled to light beacons, pots, checking street barriers, holes, etc., on an overtime basis, the credited overtime hours shall be predetermined and agreed upon by the employee so scheduled, and his supervisor, based upon the number of beacons, pots, barriers, etc., and the number of trips necessary over a holiday, weekend, etc. This overtime shall be paid at the rate of one and one-half times the regular pay scale, based upon the minimum of one hour credit per necessary trip, with actual time credited beyond the predetermined time, if on an emergency basis.~~

~~(6) This section is to prevent confusion between actual emergency call-ins and regularly performed overtime on a routine basis.~~

~~(Ord. 4-81. Passed 1-26-81.)~~

~~(f) This section is hereby amended to prohibit the following City personnel from obtaining comp time, either in time off for working overtime, or cash payments, or compensation in money for working overtime; except as provided in the emergency situation described in subsection (f)(1) hereof.~~

~~Tax Commissioner~~

~~Superintendent - Utilities Collection~~

~~Superintendent - Cemetery Department~~

~~Superintendent - Park Department~~

~~Superintendent - Sanitation Department~~

~~Superintendent - Street Department~~

~~Superintendent - Electrical Department~~

~~Superintendent - Water Pollution Control Department~~

~~Fire Chief~~

~~Police Chief~~

~~City Engineer~~

~~Superintendent - Gas Department~~

~~Superintendent - Water Department~~

~~Service Safety Director~~

~~Any and all other salaried department heads, assistant chiefs, assistant superintendents and any other supervisors.~~

~~This subsection (f) shall not infringe upon or conflict with any negotiated contract.~~

~~(1) Comp time accumulated prior to the passage of this subsection (f), shall be honored by the City, but shall be used by taking days off within three years of the passage of this subsection (f); and shall be used one-third each year until fully used after a total of three years. Times for using comp time shall be approved by the Service-Safety Director. If any of the personnel covered by this subsection (f) retires during the three year period, the remaining comp time shall be honored by the City and the employee may use it prior to the retirement date.~~

~~(2) After the effective date of this subsection (f), if any emergency situation occurs and one of the people mentioned in subsection (f) hereof, is required to work extra hours, and such extra duty hampers his ability to perform his job on the following day, the Service-Safety Director has the authority to adjust the work schedules within the subsequent thirty day period.~~

~~(3) Other subsections of this section not consistent herewith, shall remain in full force and effect. (Ord. 45-91. Passed 10-14-91.)~~

~~145.14 LONGEVITY PAY.~~

~~After five debars of continuous service with the City, employees shall receive five dollars (\$5.00) per month pay increase for each year of service. If the anniversary date falls within the year, the employee shall be paid longevity commencing January 1, of that year. (Ord. 51-84. Passed 12-17-84.)~~

~~145.15 OUTER PROTECTIVE CLOTHING.~~

~~(a) The City may provide for outer clothing protective covering for the following departments: Street Department, Sanitation Department, Water Department, Gas Department.~~

~~(b) The Mayor is hereby authorized to obtain bids for purchase or rental of such protective covering. (Ord. 49-77. Passed 10-24-77.)~~

~~145.16 MANDATORY RETIREMENT.~~

~~(EDITOR'S NOTE: This section was repealed by Ordinance 42-91, passed September 23, 1991.)~~

~~145.17 FUNERAL LEAVE.~~

~~(a) After thirty days of continuous employment if a death occurs in an employee's family, including parent, step-parent, mother-in-law, father-in-law, sister, brother, spouse, child, step-children or immediate member of household who is a member of the family, three days at straight time pay shall be granted, within seven calendar days of the death, provided the employee is scheduled to work on any of the days during the time the funeral is held. Only regularly scheduled workdays shall be compensated for.~~

~~(b) One day shall be granted as above for grandchildren and grandparents.
Reasonable requests for additional time off without pay in connection with the death shall be considered by the Service-Safety Director.~~