

## ORDINANCE D- 08

### **AN ORDINANCE AMENDING SECTION 151.02 OF THE CODIFIED ORDINANCES OF THE CITY OF ORRVILLE, OHIO, REGARDING PAYMENT OF OVERTIME FOR POLICE DEPARTMENT EMPLOYEES, AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Orrville, Ohio:

**Section 1:** That Section 151.02 of the Codified Ordinances of the City of Orrville, Ohio, relating to overtime pay shall be amended by deleting the current paragraphs (e), (f) and (g) replacing them with the following paragraphs (e) (f) and (g):

(e) Full-time Police Department Personnel, excluding dispatchers, shall be paid one and one-half times their regular rates of pay for all time worked in excess of eight (8) hours per day and/or one hundred sixty (160) hours within a twenty-eight (28) day period. However, time and one-half pay will not be paid if an employee exceeds one hundred sixty (160) straight time hours within the twenty-eight (28) day work week rotation and/or eight (8) hours in a day because of the convenience of or request of the employee, including movement to a new shift as a result of a bid, shift trades, and/or the employee's attendance at non-mandatory training. Employees involuntarily scheduled for a sixth or seventh consecutive day shall be compensated at time-and-one-half for the sixth or seventh consecutive day.

(1) Where an employee is scheduled to have time off of eight (8) hours or less between shifts within any twenty-four (24) hour period, the employee shall be paid time and one-half for all hours worked over eight (8) in that same twenty-four (24) hour period. This provision shall not apply when an employee bids for a schedule that has a double-back (eight (8) hours or less between schedule shifts) built into that schedule.

(2) All paid time off will be considered time worked for purposes of computing eligibility for overtime pay. In addition, hours not worked on any holiday for which the employee is paid shall, if the holiday occurred on what would have been a regularly scheduled workday, be considered as hours of work in computing overtime under any provision of this Agreement.

(3) An employee off work on a scheduled comp day shall be paid at their regular straight time rate for all hours worked on a scheduled detail that occurs at a time other than scheduled working hours.

(f): Dispatchers will be paid one and one-half times their regular rate of pay for all hours worked in excess of eight (8) hours per day and/or forty (40) hours in a work week. However, time and one-half pay will not be paid if an employee exceeds forty (40) hours per week and/or eight (8) hours in a day because of the convenience of or request of the employee, including movement to a new shift as a result of a bid, shift trade, and/or the employee's attendance at non-mandatory training. Employees involuntarily scheduled for a sixth or seventh consecutive day shall be compensated at time-and-one-half for the sixth or seventh consecutive day.

(g) Full-time Police Department personnel, excluding probationary employees, may earn compensatory time off in lieu of monetary overtime compensation. Such compensatory time shall be calculated in the same fashion as overtime in accordance with sections (e) and (f) herein. The maximum amount of compensatory time an employee may use in one calendar year is one hundred twenty (120) hours and the maximum amount an employee may have banked at any one time shall not exceed one hundred twenty (120) hours. Compensatory time shall be scheduled the same as vacation time. The City will honor requests for the use of compensatory time within a reasonable period of time after the request has been made as long as said request does not unduly disrupt the normal operations of the department or cause the payment of overtime. Whenever practical, compensatory time is to be used within one (1) year of the date it has been earned or it is subject to being cashed out at the current hourly rate of pay. Employees may cash out compensatory time no more than four (4) times each calendar year by submitting a request on the City's Leave Form. Each request must be in increments of forty (40) hours. In addition, upon the retirement or termination of an employee, all banked compensatory time shall be cashed out at the employee's final regular rate of pay.

**Section 2:** That Section 151.02 of the Codified Ordinances of the City of Orrville, Ohio, relating to call-in pay for police department personnel, shall be amended by deleting the current paragraph (j) (1) and (2) and replacing them with the following paragraphs (j) (1) to (4).

(j) Call-In Pay for Police Department Personnel.

- (1) Police Department employees called to work at a time other than their regularly scheduled working hours or on a day off shall receive a minimum of two hours work or two hours pay in lieu thereof, at the applicable overtime premium. However, when employees are called in immediately prior (two hours or less) to the start of their scheduled shift, they will be paid for actual time worked if less than one hour and for two hours if more than one hour. The provisions for call-in pay do not apply when the normal work shift is extended at the end of the day.
- (2) Police Department employees required to appear in court at a time other than normal daily working hours or on a day off, as part of their official duties as a police officer for the City of Orrville, shall receive a minimum of two hours pay at the applicable overtime rate if the court appearance is in Orrville or three hours pay at the applicable overtime rate if the court appearance is in another jurisdiction. However, when employees are scheduled to appear in court immediately prior (two hours or less) to the start of their scheduled shift, they will be paid for actual time worked if less than one hour and for two hours (or three hours as appropriate) if more than one hour. If the court time occurs on a paid day off, an appropriate amount of leave time shall be restored to the employee. It is understood the employee is required to contact the court/prosecutor's office no sooner than twenty-four (24) hours prior to his/her scheduled appearance to determine if the officer is still required to appear. Court time shall not be paid to

employees during regularly scheduled working hours. Any compensation received by officers for an appearance in court shall be given to the Finance Department.

- (3) Police Department employees required to attend firearms training, departmental meetings, or other departmental training held in Orrville other than normal daily working hours or on a day off, shall receive two hours pay at the applicable overtime premium. All departmental training or staff meetings must have the prior approval of the Chief of Police.
- (4) Police Department employees shall receive two hours pay at the applicable overtime premium when required to attend departmental training sessions when held within the City of Orrville and approved by the Chief of Police. Departmental and staff meetings shall be considered training.

**Section 3:** That Section 151.02 of the Codified Ordinances of the City of Orrville, Ohio, relating to pay as an Acting Shift Supervisor, shall be amended by deleting the current paragraph (1) and replacing it with the following paragraph (1).

- (1) Acting Shift Supervisor. An employee may be assigned by the Chief to perform the duties and responsibilities of a supervisory position. Upon assignment to such position, the individual shall be compensated at the base rate for a sergeant for all hours actually worked in the supervisory position, provided a minimum of one (1) hour work in such position is performed. A Dispatcher I assigned by the Chief to perform the duties and responsibilities of a Dispatcher II will receive an additional seventy-five cents per hour for all hours actually worked in the Dispatcher II position, provided a minimum of one (1) hour of work in such position is performed.

**Section 4:** That Section 151.03 of the Codified Ordinances of the City of Orrville, Ohio, relating to sick leave, shall be amended by replacing paragraphs (c) (1) and (5) with the following paragraphs (c) (1) and (5).

- (c) (1) All regularly working full-time employees of the Police Department shall be entitled to pay for that amount of time equivalent to ten hours per month accumulated to an unused maximum of 960 hours. Sick leave may be used for the illness of the employee, the employee's spouse or the employee's minor or otherwise unemancipated children when needed to care for them. Sick leave may also be use to care for the employee's parent(s) or adult child(ren) in cases where the parent or adult child requires assistance for transportation to medical appointments, or for physical or emotional care in cases of illness/injury or hospitalization.
- (5) Days off chargeable to sick leave shall be deducted from total sick leave accumulated at that time. In the event of a catastrophic illness or injury to an employee or an employee's immediate family member (herein defined as current spouse or an employee's child, to include stepchild) said employee is eligible to receive donated leave. Prior to receiving any such donated leave, the employee must have exhausted all available paid leave time and the

employee's absence must be the result of the catastrophic injury or illness to the employee or the immediate family member.

- A. The decision of an individual employee of whether or not to donate leave time to another employee per this Article is to be free and voluntary and no employee shall pressure or coerce any other employee directly or indirectly to donate leave.
- B. No employee shall be eligible to receive more than four hundred eighty (480) hours of donated leave during the course of that employee's service with the City of Orrville.
- C. An employee (donor) proposing to donate leave time must have written authorization in the form of an agreement with the City in advance of donated leave to be used by another employee (donee-employee). Said agreement shall include both the identity of the proposed employee (donee-employee) and a statement that the donor-employee is forever waiving his or her right and claim to such leave. Upon receipt of the fully executed agreement by the City, such donated leave shall be credited to the leave balance of the donee-employee. The donee-employee may not use the donated leave to cover any absence prior the City's receipt of the fully executed agreement. Donated leave shall be credited and paid to the donee-employee in the order it is received, to the extent practical.
- D. Approved donated leave shall be credited at a rate equal to the current hourly pay rate of the donor-employee or the donee-employee, whichever is less.

**Section 5:** That Section 151.06 of the Codified Ordinances of the City of Orrville, Ohio, relating to police uniform allowances shall be amended to read as follows:

151.06 POLICE UNIFORM ALLOWANCES.

All full-time uniformed officers of the Police Department, including the Police Chief, shall be allowed in addition to all other compensation, a uniform allowance of seven hundred and seventy-five dollars (\$775.00) in 2007, eight hundred twenty-five dollars (\$825.00) in 2008, and eight hundred seventy-five dollars (\$875.00) in 2009.

**Section 6:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said City, and for the further reason that it is necessary to comply with the labor contracts effective as of January 1, 2007, and therefore, this Ordinance shall be effective immediately after its passage and approval by the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

Approved:

\_\_\_\_\_  
Mayor

Date \_\_\_\_\_