

ORDINANCE #2021- 13

AN ORDINANCE FIXING THE COMPENSATION OF THE ELECTED OFFICIALS OF THE VILLAGE OF SMITHVILLE, OHIO, ESTABLISHING THE SALARIES AND ALLOWANCES OF THE APPOINTED OFFICIALS AND EMPLOYEES, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SMITHVILLE IN WAYNE COUNTY, OHIO:

SECTION 1: RATES. The compensation of the elected officials of the Village of Smithville and compensation of the employees and appointed officials of said village for all duties and services performed on the applicable date provided in Section 13 is fixed and established as set forth in Appendix "A". Unless otherwise provided in Appendix "A", and subject to the provisions of Section 2, below, all such compensation, wages and salaries shall be paid on a bi-weekly basis.

SECTION 2: TIME RECORDS. The Village Fiscal Officer shall pay all wages as established in Appendix "A" at the intervals provided in Section 1, above, upon presentation of proper time records.

SECTION 3: VACATION. Paid vacation time is granted as recognition of services rendered. Vacation will be accrued per pay period at a rate equal to hours entitled for service time. Maximum vacation will be five (5) weeks regardless of number of years employed. All full-time employees of the village shall be entitled to paid vacation time as follows:

Upon hiring (40 hours) at an accrual rate of 1.538462 per pay period;

At the start of the second year (80 hours) at an accrual rate of 3.076923 per pay period;

At the start of the fifth year (120 hours) at an accrual rate of 4.615385 per pay period;

At the start of the tenth year (160 hours) at an accrual rate of 6.153846 per pay period;

At the start of the twentieth year (200 hours) at an accrual rate of 7.692308 per pay period.

If any vacationing employee is called back and required to work by reason of an emergency condition, then in addition to any vacation pay to which such employee may be entitled, such employee shall be paid for hours actually worked during such vacation at the rate of one and one half (1 1/2) times such employee's regular rate of pay. An employee cannot accrue vacation hours in excess of (2) times their yearly vacation hours. The employee will lose any hours that exceed this cap. Upon termination, the employee will be paid for any awarded vacation time not yet taken.

SECTION 4: HOLIDAYS. All full-time employees shall be entitled to receive the following holidays off from work with eight (8) hours of pay at their regular wage rate as fixed by Council:

New Year's Day	Martin Luther King Day
President's Day	Memorial Day
The 4 <sup>th</sup> of July (Independence Day)	Labor Day
Thanksgiving Day	Christmas Eve
The Day after Thanksgiving	Christmas Day
Three (3) Personal Holidays	

Personal holidays must be approved in advance by supervising executive authority.

If any such holiday, except a personal holiday, falls on a Saturday, the preceding Friday shall be granted as a holiday. If any holiday falls on a Sunday, the following Monday shall be granted as a holiday.

Employees other than police officers will be paid at one and a half (1 1/2) times, in addition to holiday pay, if the nature of the job requires them to be on duty on the holiday.

Police officers will be paid 8 hours of holiday pay on the day of the holiday. If a police officer works on the actual holiday, they will be paid at one and a half (1 1/2) times for those hours worked in addition to the holiday pay.

SECTION 5: SICK LEAVE. Full-time employees shall receive ten (10) hours per month for sick leave. Each part-time employee of this village who regularly works previously scheduled hours or shifts shall be credited with sick leave at the rate of four and six tenths (4.6) hours with pay for each eighty (80) hours of completed service. Employees may use sick leave upon the approval of the Mayor 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. Funeral leave is limited to a maximum of five (5) days. When sick leave is used, it shall be deducted from the employee's credit on the basis of one (1) hour for every hour of absence from previously scheduled work.

The Mayor shall require an employee to furnish a satisfactory written statement to justify the use of sick leave. No sick leave shall be granted upon or after retirement, but compensation therefore shall be paid as provided herein.

Unused sick leave shall be cumulative up to thirteen hundred sixty (1360) hours. Upon termination of employment, any employee with ten (10) or more years of regular full-time service with the village shall receive payment based on the employee's rate of pay at the time of termination times the number of unused sick hours not to exceed a maximum of 240 (two hundred forty hours). Such payment shall be made unless the employee notifies the village in writing to transfer such accumulated sick leave pursuant to Section 124.38 of the Ohio Revised Code.

SECTION 6: COURT LEAVE. The village shall grant full pay when an employee is subpoenaed for any court service or jury duty by the United States, State of Ohio, or a political subdivision of Ohio. If the times required for such court services fall within the employee's normal working hours, they will be excused from working his or her assigned shift. At the discretion of the employee's supervisor, the employee under subpoena may also be excused from working any shift immediately preceding or following the assigned court service. All such court compensation in excess of expenses (i.e. food, travel, and parking) must be turned into the Fiscal Officer. Employees who must be absent for court appearances that are personal in nature will be granted vacation leave or leave without pay.

SECTION 7: OVERTIME. Forty (40) hours shall be the standard work week for all full-time employees of the village. No employee shall work or be paid for hours in excess of forty (40) hours per week unless such overtime has been previously authorized by his or her immediate supervisor. Such supervisors shall be held accountable for the granting of overtime. When an employee is required under such authorization to work more than forty (40) hours in any calendar week, he or she shall be compensated for such time in excess of forty (40) hours at a rate of one and one-half (1 1/2) times his or her regular rate of pay.

For the purpose of determining whether a person has worked his or her forty (40) hours in any given week under this section, any pre-approved compensation absence shall be counted in addition to hours actually worked on other days during the calendar week. Pre-approved compensation absence hours may consist of the following: vacation hours, personal hours, compensatory time, holiday hours, and/or sick leave hours.

No work hour credit is given for unapproved or uncompensated time off.

With approval of the supervisor, an employee may elect to take compensatory time off from work in lieu of overtime pay. Such election shall be made in writing at the time the employee time sheet/voucher is presented for the period during which the overtime was worked. Compensatory time may be selected by overtime-eligible employees for any hours above forty (40) hours for the week. Such compensatory time shall be accumulated on a one and one-half (1 1/2) time basis for overtime-eligible employees. Time off shall be granted at a time approved by the supervisor. An employee eligible and entitled to overtime pay for working a holiday may also elect to take compensatory time under this section.

SECTION 8: CLOTHING ALLOWANCE. The Village provides a clothing allowance for the Police Department and Street/Park Department as defined below. The clothing allowance in full will be issued by check to each employee at the beginning of each calendar year. The employee is responsible for purchasing items for uniform as required per department standards. New full-time and part-time hires will be issued the clothing allowance upon hire. If, within one (1) year of hire, separation or termination takes place, the new hire/employee must reimburse the village for the entire clothing allowance issued.

Items purchased with the clothing allowance may only be used for Village work purposes. Federal law requires us to report this clothing allowance as a fringe benefit on the employee's W-2 and is taxable.

**POLICE DEPARTMENT:**

The clothing allowances are as follows:

Full-time officer	\$900
Part-time officer	\$450
Auxiliary officer	No allowance provided

The clothing allowance is for the purchase of items and for maintenance of existing uniforms required for regulation as follows:

1 regulation winter coat	1 raincoat
1 spring/summer windbreaker	2 uniform trousers (navy blue/permanent press)
1 regulation hat	2 badges (1 numbers breast, 1 hat)
1 name plate	1 Sam Brown belt with 4 keepers
2 uniform summer shirts(short sleeve/navy/permanent press)	
2 winter shirts (long sleeve/navy blue/permanent press)	

Equipment Accessory items such as holsters, handcuffs w/case, O/C spray w/case, magazine case, Taser holster, ID card w/case, radio holder, ballistic vest, and miscellaneous equipment will be purchased and issued by the department and must be returned upon the officer's separation from the department.

**STREET and PARK DEPARTMENTS:**

These departments are provided with a weekly uniform rental service at Village expense. The clothing allowance is for clothing needed for harsh working conditions. The allowance covers such items as coveralls, boots, hats, coats and long underwear. The clothing allowance for street and park personnel is as follows:

Full-time employees	\$400.00
Part-time/seasonal	No allowance provided

**SECTION 9: INSURANCE BENEFITS.** All full-time employees shall, upon request, be entitled to participate in a village-sponsored group medical and hospitalization plan, the limits of coverage and premiums for which, shall be negotiated by the village with the insurer. The village shall pay 80% of the premiums for health insurance benefits. Participation in the insurance benefits provided in Section 9 shall be further subject to availability of insurance and dependent upon the number of participants.

Any appointed official or employee who is eligible for health insurance and elects not to participate in the health insurance program may apply for the Opt-Out Payment Program in lieu of the coverage if the appointed official or employee is covered by another Plan outside of the current Plan being offered by the Village. The payment in lieu will be an amount equal to twenty-five (25%) of the applicable village

portion of the annual premium of either the single or family coverage available from the Village. The Opt-Out agreement must be executed by the appointed official or employee by November 30 of each year, or within thirty (30) days of appointment or employment.

Part-time employees are not eligible for participation in the group medical and hospitalization plan. Part-time employees' annual weekly average hours are not to exceed twenty-nine (29) hours.

All full-time employees shall be entitled, upon request, to participate in a village sponsored group term life insurance program providing coverage in the amount of \$20,000.00

SECTION 10: MILEAGE REIMBURSEMENT. Any employee, who is required to use his or her personal vehicle for travel on Village business in or beyond the corporate limits of the village, shall be reimbursed for such travel at the rate of \$ .50 per mile. Requests for such reimbursement shall be in writing, signed by the employee and shall state the date, destination, and purpose of such travel. If a village vehicle is available for use in such travel, reimbursement shall be only allowed if the Mayor has approved the use of an employee's personal vehicle for such travel.


SECTION 11: No employee shall be hired or discharged by the Village without the prior approval of Council.

SECTION 12: All prior ordinances or parts of ordinances which conflict with the provisions of this ordinance are hereby repealed.

SECTION 13: The compensation provided for all village positions shall take effect, retroactively if necessary, on January 1, 2021.

SECTION 14: This ordinance is hereby declared to be an emergency measure, immediate passage of which is necessary to establish rates of compensation for village positions in accordance with the laws in such cases made and provided; and otherwise, to preserve the general health, safety and welfare of the residents of the Village of Smithville. As such, it shall take effect at the earliest time provided for by law.

PASSED: 8-3-21

  
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MAYOR

ATTEST:   
\_\_\_\_\_  
FISCAL OFFICER

**APPENDIX "A" TO ORDINANCE #2020 - 28**

**COMPENSATION OF ELECTED OFFICIALS**

MAYOR	\$ 8,000.00/year*
MEMBER OF COUNCIL (Until term end 2021)	\$ 50.00/meeting**
MEMBER OF COUNCIL (Until term end 2023)	\$ 75.00/meeting**
TRUSTEE BOARD OF PUBLIC AFFAIRS (Until term end 2021)	\$ 50.00/meeting**
TRUSTEE BOARD OF PUBLIC AFFAIRS (Until term end 2023)	\$ 75.00/meeting**

Any COUNCIL MEMBER serving as COUNCIL PRESIDENT PRO TEM will receive an additional \$25.00 per meeting.

Elected officials' salaries will not take effect until an election has taken place for that position, and the new term begins. The earliest any office holder could receive the new amount is 2022, with the balance of elected office holders receiving the new amount in 2024.

**COMPENSATION OF APPOINTED OFFICIALS AND EMPLOYEES**

FISCAL OFFICER	\$ 40.00/hr
PUBLIC SERVICE SUPERVISOR	
During Probation	\$ 19.50/hr
After Probation	\$ 23.75/hr
PUBLIC SERVICE WORKER	
During Probation	\$ 16.00/hr
After Probation	\$ 18.25/hr
VILLAGE LABOR	State Minimum Wage
CURRENT OFFICE ADMINISTRATOR	\$26.00/hr
NEW HIRE OFFICE ADMINISTRATOR PROBATION	\$18.85/hr
NEW HIRE OFFICE ADMINISTRATOR AFTER PROBATION	\$19.35 /hr
ASST. OFFICE ADMINISTRATOR PROBATION	\$12.55 /hr
ASST. OFFICE ADMINISTRATOR AFTER PROBATION	\$14.25/hr
PART-TIME OFFICE HELP	State Minimum
Wage CUSTODIAN	\$ 12.25 /hr
CHIEF OF POLICE (Salary Non-Exempt)	
Base will be determined after position is filled	
Current annual salary	\$ 48,255.40/yr
Probation Rate (6 months)	\$ 46,800.00/yr

APPENDIX "A" continued:

POLICE SERGEANT

During probation	\$ 17.80 /hr
After 6 month probation	\$ 19.25/hr

FULL-TIME POLICE OFFICER (School Resource Officer)

During probation	\$ 15.60/hr
After 1 yr. probation	\$ 16.15/hr

Note: School Resource Officer will be assigned based on qualifications. Police personnel includes a position for school resource officer. This position is authorized for hire only if grant money or other funding sources are available to help offset the expense. This position may be eliminated from year to year if outside funding resources are not available.

FULL-TIME POLICE OFFICER

During Probation	\$ 15.60/hr
After 1 yr. Probation	\$ 16.15/hr

For the calendar year 2021, all currently employed full-time officers will receive the amount listed in the approved salary ordinance.

Currently employed full-time officers that remain a full-time officer for the entire 2021 calendar year, will receive a step increase of \$ .25/hr on every January 1<sup>st</sup>, for the following years: 2022, 2023, and 2024

Newly hired full-time officers after January 1<sup>st</sup>, 2021, after completion of the 1-year probation, will receive a step increase of \$ .25/hr, on every January 1<sup>st</sup>, for the following years: 2023, 2024, and 2025

PART-TIME POLICE OFFICER

During probation	\$ 12.90/hr
After 1 year probation	\$ 13.45/hr

For the calendar year 2021, all currently employed part-time officers will receive the amount listed in the approved salary ordinance.

Currently employed part-time officers that remain a part-time officer for the entire 2021 calendar year, will receive a step increase of \$ .25/hr on every January 1<sup>st</sup>, for the following years: 2022, 2023, and 2024.

Newly hired part-time officers after January 1<sup>st</sup>, 2021, after completion of the 1-year probation, will receive a step increase of \$ .25/hr, on every January 1<sup>st</sup>, for the following years: 2023, 2024, and 2025

ADMINISTRATIVE ADVISOR (Transition)	\$ 10.00/hr
BPA CONSULTANT	\$ 55.00/hr
SOLICITOR – ORDINARY COMPENSATION	\$ 800.00/month*
EXTRAORDINARY COMPENSATION	\$ 100.00/hr
MAGISTRATE (Subject to \$150.00 reduction for each session not in attendance)	\$ 150.00/session
<b>SEASONAL EMPLOYEES</b>	
PART TIME PARK SUMMER HELP (1,500 hrs)	\$ 12.50/hr

NOTES:

\*Payable monthly

\*\*Payable quarterly

UNLESS OTHERWISE DESIGNATED HEREIN, FULL OR PART-TIME EMPLOYMENT STATUS SHALL BE DETERMINED UNDER THE TERMS AND CONDITIONS OF EACH INDIVIDUAL EMPLOYMENT AGREEMENT AND NOTATED IN INDIVIDUAL EMPLOYMENT FILES.

THE VILLAGE OF SMITHVILLE IS NOT SUBJECT TO STATE CIVIL SERVICE LAWS; UNLESS OTHERWISE PROVIDED BY LAW OR COUNCIL, VILLAGE EMPLOYEES ARE EMPLOYED UNDER EXPRESS ORAL CONTRACTS TO PERFORM SPECIFIED SERVICES FOR INDEFINITE TERMS IN RETURN FOR PERIODIC COMPENSATION PAID OR CREDITED IN ACCORDANCE WITH THE ORDINANCES OF COUNCIL.

WHERE AN EMPLOYEE OR APPOINTED OFFICIAL HOLDS MORE THAN ONE VILLAGE POSITION UNDER MORE THAN ONE AGREEMENT, EXPRESS OR IMPLIED, EACH AGREEMENT SHALL BE CONSIDERED SEPARATELY IN ORDER TO DETERMINE RIGHTS OF SUCH INDIVIDUAL TO BE COMPENSATED FOR SERVICES.

THE POLICE CHIEF IS APPOINTED IN ACCORDANCE WITH STATUTE AND PERFORMS BONA FIDE EXECUTIVE OR ADMINISTRATIVE DUTIES PRESCRIBED BY LAW; THE POSITION IS EXEMPT FOR THE OVERTIME PROVISIONS OF OHIO REVISED CODE SECTION 4111.03 AND SECTION 7 OF THIS ORDINANCE.