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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11100-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
 AMENDING SECTION 153.01
 OF THE BROOK PARK CODIFIED ORDINANCES,
 ENTITLED 'VACATIONS'
 AND DECLARING AN EMERGENCY

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: Section 153.01 of the Brook Park Codified Ordinances, as enacted by Ordinance No.8311-1997, passed February 4, 1997 and Ordinance No. 8608-1999, passed November 16, 1999, and reading as follows:

153.01 VACATIONS.

(a)

(1) For purposes of this section "years of service" means years employed by the City, the State or any political subdivision of the State. "Years of service" is defined as a twelve-month cycle, beginning on an employee's anniversary date. When an employee reaches a new service level in the middle of a calendar year, the employee will begin to accrue vacation days at the rate for the next level the first month following the anniversary date.

(2) New employees in their first year of service may take vacation time that will be earned by December 31, during the calendar year. Vacation during the first year of employment shall be as shown on the following schedule:

Started Working In The Month Of	Earned Vacation Days As Of December 31
January	10
February	9
March	8
April	7
May	6
June	5
July	4
August	3

September	3
October	2
November	1
December	0

(3) Each full-time employee shall be entitled to vacation as follows:

<i>Years Of Service Completed During A Calendar Year</i>	<i>Vacation Days (per month)</i>	<i>Vacation Days (per year)</i>
Upon initial eligibility	.833	10
5 through 10	1.250	15
More than 10	1.667	20
More than 18	2.083	25

(4) At all times, union contracts shall supersede any provision stated herein.

(5) For the purpose of accumulating vacation leave credit, a City employee's anniversary date of employment shall be the anniversary date of such employee's prior service with the State or any political subdivision thereof.

(b) When an employee is on an hourly pay basis, his or her pay during his or her vacation period shall be computed on the basis of such employee having worked forty hours.

(c) Commencing January 1, 1975, it is mandatory that all such employees take their vacations, and if they fail to do so, they will not be paid additional compensation if they work during their vacation. If an employee is unable to take his or her vacation during the calendar year because of sickness, such employee shall take his or her vacation time in lieu of sick time. The purpose of this provision is to prevent the loss of the employee's vacation.

(d) All department heads shall schedule vacations so that they can be taken within the calendar year. However, upon a department head's recommendation and approval, any unused vacation, because of a heavy workload or emergencies within a City department, may be taken within a ninety-day grace period in the following calendar year. Under no circumstances shall the grace period be extended beyond March 31 of the year following the year of vacation.

(e) Employment anniversary dates shall be determined as follows:

(1) Non-prior service employee. For the purpose of eligibility dates, an employee's anniversary date shall be his or her date of hire as a full-time employee of the City, and his or her vacation shall be computed according to the above-listed vacation schedules.

(2) Prior service employee. For the purpose of eligibility dates, an employee's anniversary date of employment shall be the anniversary date of such employee's prior service with the State, or any political subdivision thereof, including the City of Brook Park.

(f) In the last calendar year of any person's employment with the City, the vacation pay to which he or she will be entitled, in addition to any unused vacation authorized to be carried forward under subsection (d) hereof, shall depend upon the amount of time worked since his or her last anniversary date. The number of days lapsing between the last anniversary date and the last day of his or her employment, divided by the number of days in the last calendar year and multiplied by the number of normal vacation days for that person, will determine the number of vacation days for which he or she will be paid. A terminal fraction of one-half or more will be raised to a full day and a terminal fraction of less than one-half will be dropped.

(g) When any employee uses more vacation time than has been earned, the Finance Director is authorized to withhold wages from the employee's pay check up to an amount equal to the unearned vacation time.

is hereby amended to read:

153.01 VACATIONS.

(a)

(1) For purposes of this section "years of service" means years employed by the City, the State or any political subdivision of the State. "Years of service" is defined as a twelve-month cycle, beginning on an employee's anniversary date. When an employee reaches a new service level in the middle of a calendar year, the employee will begin to accrue vacation days at the rate for the next level the first month following the anniversary date.

(2) New employees in their first year of service may take vacation time that will be earned by December 31, during the calendar year. Vacation during the first year of employment shall be as shown on the following schedule:

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Years Of Service Completed During A Calendar Year	Vacation Days (per month)	Vacation Days (per year)
Upon initial eligibility	.833	10
5 through 10	1.250	15
More than 10	1.667	20
More than 15	2.083	25
More than 20	2.500	30

(4) At all times, union contracts shall supersede any provision stated herein.

(5) For the purpose of accumulating vacation leave credit, a City employee's anniversary date of employment shall be the anniversary date of such employee's prior service with the State or any political subdivision thereof.

(b) When an employee is on an hourly pay basis, his or her pay during his or her vacation period shall be computed on the basis of such employee having worked forty hours.

(c) Commencing January 1, 1975, it is mandatory that all such employees take their vacations, and if they fail to do so, they will not be paid additional compensation if they work during their vacation. If an employee is unable to take his or her vacation during the calendar year because of sickness, such employee shall take his or her vacation time in lieu of sick time. The purpose of this provision is to prevent the loss of the employee's vacation.

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date. The number of days lapsing between the last anniversary date and the last day of his or her employment, divided by the number of days in the last calendar year and multiplied by the number of normal vacation days for that person, will determine the number of vacation days for which he or she will be paid. A terminal fraction of one-half or more will be raised to a full day and a terminal fraction of less than one-half will be dropped.

(g) When any employee uses more vacation time than has been earned, the Finance Director is authorized to withhold wages from the employee's pay check up to an amount equal to the unearned vacation time.

SECTION 2: Former Section 153.01 of the Brook Park Codified Ordinances as enacted by Ordinance No.8311-1997, passed February 4, 1997 and Ordinance No. 8608-1999, passed November 16, 1999, is hereby expressly repealed.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION: 4 This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason of amending Section 153.01 of the Brook Park Codified Ordinances; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: July 2, 2019 M. P. Veculio
 PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak APPROVED: [Signature]
 Clerk of Council MAYOR

I HEREBY APPROVE THE WITHIN
 INSTRUMENT AS TO LEGAL FORM
 AND CORRECTNESS
 [Signature]

CERTIFICATE
 Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance Resolution No. 1100-2019 passed on the 2nd day of July 2019 by said council.
Michelle Blazak
 Clerk of Council

7/2/19
 I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975: location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
 commencing July 5, 2019
Michelle Blazak
 MICHELLE BLAZAK
 Clerk of Council

	Yea	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>