

CITY OF KIRTLAND

ORDINANCE NUMBER 20-O-64

AN ORDINANCE AMENDING SECTION 254.06(j) OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND, RELATING TO THE PAYMENT OF ACCRUED SICK TIME UPON AN ELIGIBLE EMPLOYEE'S RETIREMENT, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 98-O-83 was passed on January 4, 1999, amending Kirtland Code of Ordinance §254.06, specifically subsection (j), relating to the payment of accrued sick time to eligible employees upon their retirement; and

WHEREAS, Kirtland Ordinance §254.06(j), when read in conjunction with §254.13(b), is duplicitous and has led to confusion due to the difference in pay structure with the payment in increments of hours or in increments of days; and

WHEREAS, the City of Kirtland maintains a desire to compensate its eligible retiring employees with the payment of accrued sick time but wishes to avoid confusion and instead create uniformity within its Codified Ordinances; and

WHEREAS, it is recommended by its Law Director that Ordinance 254.06(j) be modified to reference Kirtland Code of Ordinance §254.13 "Retirement" for guidance on whether a retiring employee is eligible for the payment of accrued sick time benefits; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: Codified Ordinance Section 254.06(j), enacted by Ordinance No. 98-O-83, passed on January 4, 1999, is hereby amended to read as follows:

§ 254.06 SICK LEAVE GENERALLY

(j) Eligible employees shall be entitled to receive a cash payment of accumulated but unused sick hours upon their retirement pursuant to §254.13(b).

SECTION II: That the heretofore existing Section 254.06(j) of the Codified Ordinances of the City of Kirtland, previously enacted and in force, be amended by the passage of this ordinance, and is hereby replaced as set forth in Section I hereinabove.

SECTION III: The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION IV:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage 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.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to timely correct the aforementioned discrepancy or confusion for the benefit of the City's workers; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2020.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2020.

Clerk of Council
Amend 254.06(j) Sick Time Retirement

Mayor Kevin F. Potter