

CITY OF KIRTLAND

ORDINANCE NUMBER 24-O-65

AN ORDINANCE AMENDING SECTION 254.03 OF THE CODIFIED ORDINANCES OF THE CITY OF KIRTLAND RELATING TO VACATION PAY AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 96-O-42 was passed on September 4, 1996, establishing Kirtland Code of Ordinance §254.03 relating to the vacation pay and holiday pay; and

WHEREAS, Ordinance No. 21-O-58 was passed on November 3, 2021, amending Kirtland Code of Ordinance §254.03 relating to the vacation pay and holiday pay; and

WHEREAS, the City of Kirtland desires to hire the most qualified, best candidates available; and

WHEREAS, in order to hire and retain the best employees, the Mayor has determined that our structure of awarding vacation benefits should be modified accordingly.

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 254.03, enacted by Ordinance No. 96-O-42, passed on September 4, 1996, and amended by 21-O-58 on November 3, 2021, is hereby amended as set forth in Exhibit A, attached hereto and made a part hereof, as if fully written below.

SECTION II: That the heretofore existing Section 254.03 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:

(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 allow

the City to hire the most qualified candidates this competitive environment; 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
_____, 2024.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2024.

Clerk of Council
Amend 254.03 Vacation Pay

Mayor Kevin F. Potter

§ 254.03 VACATIONS.

(a) Except for subsections (1) and (2), earned vacation shall be awarded on the employee's anniversary date in accordance with the schedule as set forth in this section:

- (1) Upon completion of 90 days of full-time service, each full-time employee shall be entitled to one week of paid vacation, for which salaried employees will be paid for one week of salary and hourly employees will be paid for 40 hours of wages.
- (2) Upon completion of 180 days of full-time service, each full-time employee shall be entitled to one additional week of paid vacation, for which salaried employees will be paid for one week of salary and hourly employees will be paid for 40 hours of wages.
- (3) Upon completion of 12 continuous months of full-time service, each full-time employee shall be entitled to two weeks paid vacation, for which salaried employees will be paid for two weeks of salary, and hourly employees will be paid for 80 hours of wages.
- (4) Upon completion of 60 continuous months of full-time service, each full-time employee shall be entitled to three weeks paid vacation, for which salaried employees will be paid for three weeks of salary, and hourly employees will be paid for 120 hours of wages.
- (5) Upon completion of 120 continuous months of full-time service, each full-time employee shall be entitled to four weeks paid vacation, for which salaried employees will be paid for four weeks of salary, and hourly employees will be paid for 160 hours of wages.
- (6) Upon completion of 180 continuous months of full-time service, each full-time employee shall be entitled to five weeks paid vacation, for which salaried employees will be paid for five weeks of salary, and hourly employees will be paid for 200 hours of wages.

(b) Except as provided in subsection (c) hereof, payment for vacation time shall be based upon the employee's current rate of pay at the time the vacation is taken. Earned vacation shall be awarded on the employee's anniversary date in accordance with the schedule set forth in this section, provided that the employee is employed by the city at that time.

(c) Full-time employment by another political subdivision of the State shall be included when determining years of continuous service, provided that there is not more than sixty days between termination from such former public employment and appointment in the City. Employees with prior service credit will be entitled to vacation time commensurate with those years of prior service.

(d) Vacation leave accrues only while an employee is in pay status (e.g., vacation, paid military leave, sick leave, etc.). No vacation is earned while an employee is in unpaid status. If an employee was not paid for a full year (measured from anniversary dates) and was on unpaid status for any portion of the year, he or she shall not earn or accrue vacation during the period of time they are in unpaid status. Prorated vacation credit is given for any part of a pay period.

(e) Hourly paid part-time employees shall accrue vacation time in the same manner as full-time employees, except that the per day hours of vacation pay shall be those part-time hours normally worked by such part-time employees. Part-time employees must work a portion of each month, and a minimum thirty hours per week, to be entitled to pro-rated vacation pay. Seasonal and part-time firefighter/paramedic employees shall not be entitled to vacation pay.

(f) Any vacation time earned pursuant to subsection (a)(1) or (a)(2) that is not used or paid for prior to completion of the employee's first year of full-time service shall be forfeited. In all other cases, vacation time shall not be carried over from one year to another (measured from anniversary dates).

(g) After one year of service, in the event of termination of employment with the City for any reason other than disciplinary discharge with just cause, each employee shall be entitled to payment, at their current regular rate of pay, for any earned but unused vacation leave to their credit at the time of separation. Vacation pay-out shall be prorated based upon the time of separation.