

ORDINANCE NO. 2025-05

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN ORDINANCE REPEALING CHAPTER 149 OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF OAKWOOD AND DECLARING
AN EMERGENCY**

WHEREAS, Council worked with the Law Director to create a comprehensive Employee Handbook setting forth the policies, procedures, and directives that set forth protocols, minimum standards, and best practices regarding employment with the Village; and,

WHEREAS, Council has determined that the existing Chapter 149 of the Codified Ordinances of the Village of Oakwood is rendered superfluous and redundant by virtue of the adoption of the Employee Handbook; and

WHEREAS, to eliminate confusion, redundancy, or contradiction that could occur should both Chapter 149 of the Codified Ordinances of the Village of Oakwood and the Employee Handbook remain in effect simultaneously, Council has determined that Chapter 149 of the Codified Ordinances of the Village of Oakwood be repealed.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1. Chapter 149 of the Codified Ordinances be repealed, in its entirety:

~~149.01 Physical exam following conditional offer of employment. ———~~

~~At the time the Village grants full-time employment to any individual, the offer of employment shall be conditional. In addition to any other conditions which may be imposed upon the offer of employment, the offer of employment shall be conditioned upon the successful completion of a medical exam which shall ascertain the individual's ability to perform the duties of the job for which employment has been conditionally offered. As part of such exam the individual must pass a drug and alcohol screen. In the event the individual successfully passes this physical exam and is determined to be capable of performing the duties of the job for which employment has been sought, the offer of employment shall become unconditional upon the satisfaction of any other condition imposed by the Village. At such time, the employee shall commence his or her probationary period as provided in Section 149.06 herein.~~

~~(Ord. No. 2005-34, 6-14-2005)~~

~~149.02 Physical examination subsequent to use of extended sick leave. ———~~

~~After use of sick leave by an employee for five or more consecutive work days due to injury, the Mayor may require the employee to take an examination, conducted by a physician, or if deemed necessary by the physician, a psychologist, selected and paid for by the Village, prior to that employee assuming his regularly assigned duties. Upon request of the Mayor or head of the department, any employee absent two days or more due to illness shall provide a statement in writing by a doctor as to the reasons for absence.~~

~~(Ord. No. 2005-34, 6-14-2005)~~

~~149.03—Annual physical examinations for police officers.—~~

~~As a condition of their continued employment as a police officer within the Village, all police officers shall submit to a medical examination, and psychological examination, if deemed necessary by the physician, on an annual basis, conducted by a physician selected by the Village and at the expense of the Village.~~

~~(Ord. No. 2005-34, 6-14-2005)~~

~~149.04—Disciplinary procedure.—~~

~~(a)No form of disciplinary action will be taken against any full-time, non-probationary employee except for just cause. Except in instances where the employee is found guilty of gross misconduct, discipline shall be applied in a corrective, progressive and uniform manner. Progressive discipline shall take into account the nature of the violation, the employee's record of discipline, and record of conduct.(b)Whenever the Mayor determines that a full-time probationary employee is to be suspended, reduced in pay, reduced in rank, or terminated for disciplinary reasons, the Mayor shall notify the employee in writing of the exact charges and the form of discipline that is contemplated. The employee shall be further advised in that written notice of the date, time and location of a pre-disciplinary conference that shall be conducted by the Mayor or his designee. In cases of gross misconduct, the Mayor may immediately suspend the employee with pay pending the pre-disciplinary conference.(c)Such notice of charges and the pre-disciplinary conference shall be given to the employee at least 72 hours prior to the time of the conference. During the conference, the employee shall have the opportunity to offer an explanation for the alleged conduct and to respond orally to the charges prior to discipline being imposed. The employee may be accompanied by a representative of his choice at the employee's sole costs.(d)Within five calendar days after the hearing, the Mayor shall provide the employee with a written statement affirming or disaffirming the charges against that employee and the nature of the disciplinary action.(e)Prior to the scheduled time of the pre-disciplinary conference, the employee may waive his/her right to such a conference by signing a "Waiver of Pre-Disciplinary Conference" form.~~

~~(Ord. No. 2005-34, 6-14-2005)~~

~~149.05—Appeal to Council.—~~

~~(a)Any regular, full-time, non-probationary employee of the Village who receives an order of suspension, reduction in rank, non-lateral transfer or dismissal for any reason, economic or disciplinary, subsequent to the pre-disciplinary conference, if applicable, or subsequent to his/her waiver of such conference, may appeal that order to Council by filing a written notice of appeal and request for hearing within five days of the receipt of the disciplinary order. The notice of appeal and request for hearing shall be filed with the Clerk of Council at the Village Hall, and the Mayor shall be served with a copy. The President of Council shall schedule a hearing within 30 days of the receipt of the employee's notice of appeal. The Clerk of Council shall provide the employee with written notice of the date, time and location of the hearing by certified mail to the employee's last known address, or by personal delivery to that employee. That notice shall be provided to the employee as soon as practical after the President of Council has set the hearing. The date of the hearing may be continued only by mutual agreement of the President of Council and the employee.(b)Council may reject and declare any appeal, if prior to its commencement, the Mayor establishes to Council's satisfaction that the dismissal, reduction in rank, or non-lateral transfer was economically related to the protection of the Village's finances. This determination will be made by Council exclusively.(c)The President of Council shall preside over the hearing on all matters and rule on all motions and objections made by the parties, subject to reversal by a~~

~~majority vote of all Council members present. The President of Council may also set reasonable time limitations on the presentation of each party.(d)The presentations of the parties shall begin with a brief opening statement of the Mayor or his representative, followed by the opening statement of the employee or his representative. Thereafter, the mayor shall present testimony and evidence relevant to the disciplinary action taken against the employee. At the close of the Mayor's presentation, the employee shall have a right to present testimony and evidence relevant to that employee's appeal of the disciplinary action.(e)Each party shall have the right to call and examine witnesses to testify in their behalf, and those witnesses shall be subject to cross examination by the other party.(f)The Council Clerk shall receive all evidence admitted into the record at the time of the hearing, and preserve and keep such evidence for at least 45 days subsequent to the date of the hearing. Thereafter, all evidence shall be returned by the Clerk of Council to the respective parties who submitted that evidence, unless further litigation or appeals are instituted. Subsequent to the close of the employee's presentation, the Mayor or his representative may present closing argument. Thereafter, the employee or his/her representative may present closing argument. Thereafter, the employee or his/her representative may present rebuttal closing argument.~~

~~(g)Subsequent to closing arguments, Council may adjourn to executive session, upon proper motion being made, for the purpose of deliberation of a personnel matter. Thereafter, Council shall, in open session, and upon proper motion being made, vote to reverse the decision of the Mayor, affirm the decision of the Mayor in its entirety, or affirm the decision of the Mayor to discipline the employee but amend the nature of the disciplinary action. The motion shall be carried by a majority vote of all Council members present. In the event of a tie vote, the decision of the Mayor shall be construed as being affirmed.~~

~~(Ord. No. 2005 34, 6 14 2005)~~

~~149.06 Probationary period.~~

~~All appointments made to the position of full time employee shall be for a probationary period of 90 days continuous service, and no appointment shall become final until the employee has satisfactorily served the probationary period. Before the expiration of such period, the Mayor shall evaluate the services and record of the employee and thereafter determine whether the employee has satisfactorily served the probationary period and is efficient, courteous and competent. The probationary period set forth in this section is not applicable to patrolmen or firemen.~~

~~(Ord. No. 2005 34, 6 14 2005)~~

~~149.07 Employee residency requirements.~~

~~(a)All full-time and part time employees of the Village hired on or after the first day of March, 1992, shall reside within the Village during their tenure of employment. This section shall not apply to the Director of Law or the Village Engineer or their assistants.(b)Council may grant the Mayor permission to hire non-resident employees only after it is shown that the best efforts of the Mayor did not result in qualified applicants for the position from among Village residents, including advertisement throughout the Village, and the Mayor providing Council copies of resumes of disqualified residents. For the purpose of this section, "residence" means the place where the individual has the qualifications of an elector and maintains his/her domicile.(c)Council hereby and herein clarifies that subsection (a) and (b) hereof does not in fact repeal any and all prior residency requirements which may have been in effect at any time prior hereto, including but not limited to Ordinance No. 1980 71, or any other ordinance adopted relative to a ten-mile residency radius requirement.~~

(Ord. No. 2005-34, 6-14-2005)

~~149.08 Use of Village vehicles.—~~

~~(a) All Village vehicles assigned for exclusive individual use by any Village employee, excluding the Mayor and Police Chief, shall be designated clearly as Village of Oakwood property, by reason of the Village emblem or decals, permanently located on both sides of said vehicles. It shall be the obligation of the Service Director to arrange for the placement of Village emblems or decals on all Village vehicles within 30 days of the receipt of such vehicle or the inter departmental transfer of such vehicle. (b) The Mayor and Director of Finance shall require compliance with the Internal Revenue Service rules and regulations relative to vehicles provided by an employer to its employees as set forth in all Internal Revenue Service publications, rules and regulations, including but not limited to Publication 917, and including but not limited to the requirement that personal use of the vehicles be reported and documented for evaluation for income tax purposes. (c) The Mayor and any other Village employee to whom a Village owned or leased automobile has been issued is hereby authorized and directed to apply for registration of such vehicle under the provisions contained in Ohio R.C. 4503.16 upon the expiration of the vehicle's current registration. This subsection shall not apply to police vehicles used in undercover operations as the same may be approved by Council.~~

(Ord. No. 2005-34, 6-14-2005)

~~149.09 Employee Handbook.—~~

~~Council hereby adopts the Employee Handbooks for the Police and Fire Departments and for Administrative personnel, copies of which are included in Exhibit "A", attached to Ordinance 1997-06 and expressly made a part hereof by reference.~~

(Ord. No. 2005-34, 6-14-2005)

~~149.10 Exempted from overtime.—~~

~~The following positions are hereby declared to be executive or management positions and the persons employed therein shall not be entitled to overtime pay, but shall be entitled to all other benefits accorded full time employees of this Municipality:~~

~~Police Chief~~

~~Fire Chief~~

~~Director of Finance~~

~~Assistant Director of Finance~~

~~Director of Public Service~~

~~Clerk of Mayor's Court~~

~~Building Inspector~~

(Ord. No. 2005-34, 6-14-05)

~~149.11 Longevity.—~~

~~(a) Effective with the first pay in 1996, all full time employees of the Village, except for Full Time Police Patrol Officers and Police Sergeants shall receive annual longevity payments after completion of the required length of continuous full time service with the Village on their anniversary date of hire, pursuant to the following schedule:~~

~~After completion of:~~

~~5 years of continuous service \$ 350.00
10 years of continuous service ——— 1,000.00
15 years of continuous service ——— 1,675.00
20 years of continuous service ——— 2,350.00~~

~~(b) Longevity payments shall be divided by the number of pay periods in the then current calendar year and included in the employee's regular payroll check. (c) Part time employees of the Village who subsequently become full time employees shall be credited for each year of continuous part time service in determining said employee's longevity benefit as a full time employee in accordance with the following: For each year a part time employee of the Village averaged at least 20 hours of work per week, six months of continuous service shall be credited to said employee in calculating said employee's longevity benefit as a full time employee. For each year a part time Village employee averaged less than 20 hours of work per week, four months of continuous service shall be credited to said employee in calculating said employee's longevity benefit as a full time employee. (d) Part Time members of the Fire Department, who have at least five years of continuous service with the Village of Oakwood Fire Department, shall be entitled to a annual longevity benefit to be calculated as follows:~~

~~Gross amount of pay received~~

~~The year immediately preceding year longevity benefit is to be paid ——— Times two percent =
Amount of longevity benefit for succeeding year~~

~~The method of payment of this longevity benefit shall be at the discretion of the Finance Director.~~

~~Part Time members of the Fire Department, who have at least ten years of continuous service with the Village of Oakwood Fire Department, shall be entitled to a annual longevity benefit to be calculated as follows:~~

~~Gross amount of pay received~~

~~The year immediately preceding year longevity benefit is to be paid ——— Times 3.5 percent =
Amount of longevity benefit for succeeding year~~

~~The method of payment of this longevity benefit shall be at the discretion of the Finance Director.~~

~~(Ord. No. 2005 34, 6 14 2005)~~

~~149.12 Bereavement leave.—~~

~~(a) Employees of the Village may be entitled to bereavement leave due to a death in the employee's immediate family, as that term is defined in Subsection (e) hereof, as provided in this section. All non probationary, regular full time employees of the Village shall be entitled to up to three days of paid bereavement leave. All regular part time employees who work less than 40 hours per week but more than 20 hours per week, shall be entitled, after their first 90 days of continuous service~~

with the Village, to up to two days of paid bereavement leave. All other employees of the Village are entitled to up to three days of unpaid bereavement leave. Employees may, at their Department Head's approval, use any available paid leave for additional time off as is necessary. Additional unpaid time off may be granted by the Mayor in special circumstances. (b) All paid bereavement leave shall be calculated on the base pay rate of the affected employee at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. (c) Employees who wish to take time off due to the death of an immediate family member should notify their Department Head immediately. Approval of bereavement leave shall be given in the absence of unusual operating requirements of the Village. (d) In the event that the deceased was an employee of Oakwood Village (present or former), or a member of a current employee's immediate family, authorization may be given to co-workers to attend the bereavement services if that service is scheduled during normal work hours. Authorization for up to four hours of paid leave will be freely granted, provided that staffing concerns or business requirements do not require that the employee's request be denied. All requests are to be submitted to the Mayor in writing, at least one day in advance of the bereavement services. (e) The term "immediate family" shall be defined as the employee's spouse, parent or legal guardian, child, sibling, grandparent, grandchild, spouse's parent or legal guardian, spouse's sibling, or spouse's child. (Ord. No. 2005-34, 6-14-2005)

149.13 ~~VACATIONS.~~

(a) All full-time employees of the Village shall receive the following paid vacation allowance:

Years of Continuous Service Vacation Allowance

Less than one year 0

After one year Two weeks per year

After six years Three weeks per year

After ten years Four weeks per year

After 16 years Five weeks per year

After 21 years Six weeks per year

(b) The compensation to be paid for such vacation benefit shall be the hourly rate in effect on the date of such vacation, exclusive of time over 40 hours per week, during the calendar year in which such vacation shall have been earned. The compensation to be paid for such vacation benefit for salaried employees shall be the proportional share of their yearly salary. (c) The vacation benefit shall not apply or accrue for part-time employees. The vacation benefit shall not apply or accrue for employees of the Department of Law and the Department of Engineering. (d) The anniversary date of hire of each full-time or part-time employee who become full-time employees of the Village shall be the basis for computing vacation time. All vacation time earned shall be used prior to such employee's next following anniversary date, and such vacation time shall not be cumulative nor shall compensation be paid in lieu thereof. In exceptional circumstances an employee may carry forward a vacation allowance not to exceed one week of vacation benefit into his or her next benefit year or may be paid in lieu of vacation benefit in an amount not to exceed one week of vacation benefit. In either event, an employee must secure the written permission of his or her Department Head and the Mayor to avail himself or herself of this provision. (e) All vacation days must be scheduled and approved by the responsible Department Head in advance.

(Ord. No. 2006-50, 10-10-2006)

149.14 ~~Holidays; personal days.~~

All full-time employees of the Village shall receive ten paid holidays per year, consisting of the following: New Year's Day, Martin Luther King Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve and Christmas Day. In addition to the ten paid holidays, each full-time employee of the Village shall receive three personal days. The three personal days shall be at the employee's convenience with the Department Head's approval. Compensation for each paid holiday shall be computed on the basis of an eight-hour day. All regular part-time employees of the Village who work a minimum average of 20 hours per week shall receive seven paid holidays per year. Compensation for such paid holidays shall be computed on the average daily hours worked during the preceding 12-month period by each respective employee. These holidays shall be New Year's Eve, New Year's Day, Martin Luther King, Jr. Day, Independence Day, Thanksgiving Day, Christmas Eve and Christmas Day. No employee shall be entitled to a paid holiday until said employee has completed six months of regular employment. No employee shall be compensated for holiday pay unless he or she works his or her regularly scheduled work day next preceding and next following the holiday.

(Ord. No. 2006-50, 10-10-2006)

149.15 Uniform and clothing allowance.—

(a) An annual clothing and uniform allowance shall be provided to the following employees in the amounts specified: (1) Members of the Fire Department\$300.00/year (2) Fire Chief750.00/year (3) Assistant Fire Chief450.00/year (4) Auxiliary Police Officers225.00/year (5) Full-time members of the Service Department375.00/year (6) Full-time dispatchers300.00/year (7) Part-time dispatchers225.00/year (b) An account shall be established for each employee specified in Subsection (a) above. The Village shall annually allocate the specified amount to each account for the purchase of authorized clothing and equipment. Such purchases from these accounts shall be made only with the approval of the employee's Department Head or supervisor and in accordance with the purchasing procedures of the Village. The balance remaining in each such account at the end of each calendar year may not be carried forward from year to year.

(Ord. No. 2006-50, 10-10-2006)

149.16 Service Department personnel; overtime calculations; compensatory time off; other provisions.—

(a) For the purposes of calculating the number of hours worked in determining overtime compensation for full-time members of the Service Department, hours worked include holiday leave, but does not include vacation leave, sick leave, compensatory time off, bereavement leave or personal leave. (b) As agreed between the Village of Oakwood and all full-time members of the Service Department, at the option of a full-time Service Department employee, compensatory time off may be accumulated in lieu of paid overtime. Compensatory time off shall be accrued at the rate of one and one-half hours for each hour of overtime worked and the maximum amount of accumulated compensatory time off shall not exceed 40 hours at any time. Accumulated but unused compensatory time off will be paid to the employee at the time of separation from the Village and shall be paid to the employee at the employee's current rate of pay. Compensatory time off will be granted with the approval of the Service Director in increments of not less than one hour. Compensatory time accumulation and use will be subject to the regulations contained in the Fair Labor Standards Act. (c) Service Department personnel shall be paid for all hours worked, with a minimum of two hours pay at their regular hourly rate, when called in on an emergency. (d) All Service Department workers who perform work for the Village during the second or third shifts shall be paid an additional \$0.25 per hour for all hours worked during such shift. This extra \$0.25

~~shall be added to the worker's base pay in effect at the time the work is performed. This premium pay shall be effective only during the period November 15 through April 15 of each year.
(Ord. No. 2005-34, 6-14-2005)~~

~~149.17— Safety Department personnel; additional provisions.——~~

~~(a)Part Time Dispatchers, after their first 90 days of service, shall be entitled to receive one and one half times their regular rate of pay for all hours worked on a recognized, regularly scheduled holiday.(b)Fire Department personnel shall be paid an extra two hours of pay at their regular hourly rate for every six hours of shift work on recognized holidays. Any Firefighter below the rank of Lieutenant shall receive an additional \$0.50 per hour for all hours worked while performing the function of the Officer In Charge.
(Ord. No. 2005-34, 6-14-2005)~~

~~149.18— Expenses.——~~

~~Any full time, part time and special employee who is required to use a personal vehicle in the performance of such employee's municipal duties, other than transportation to and from the employee's place of work, shall be reimbursed therefor at the rate of \$0.32 per mile, or the rate as the same may be adjusted by the Internal Revenue Service from time to time, upon submission to the Finance Director of a record indicating the date, time and purpose of such use and the number of miles driven. Any employee who, with the prior approval of their department head, is required to be beyond the limits of this Municipality in the performance of their municipal duties, or to receive training therefor, shall be reimbursed for the cost of their overnight accommodation and necessary meals consistent with reasonable rates prevailing, as approved by the responsible department head and Mayor.~~

~~(Ord. No. 2005-34, 6-14-2005)~~

~~149.19— Sick leave.——~~

~~(a)Each full time employee of the Municipality shall be entitled to sick leave, with pay, as hereinafter provided. Sick leave shall be accrued at the rate of one and one fourth days for each month of full time service with the Municipality with a maximum accumulation of 120 days. No accumulation of sick leave shall occur during the time period an employee is absent from work for any reason other than vacation leave.(b)All full time employees shall be entitled to utilize three days of their accumulated sick leave for the death of the employee's spouse, child, mother, father, grandmother, grandfather, brother, sister, mother in law, or father in law.(c)Sick leave shall be applied upon the approval of the responsible Department Head against absence due to illness or injury to the employee.(d)Upon request of the Mayor or Department Head, any employee absent due to illness or injury shall provide a written statement by a doctor as to the medical reasons for the absence.(e)A full time employee who retires from the Municipality who has served a minimum of ten years and is a member of the Police and Fire Disability Pension Fund or PERS may obtain compensation at the rate of pay being earned at the time of retirement for unused sick days at the ratio of one day for every three days not used, up to 120 days total accumulation.
(Ord. No. 2006-50, 10-10-2006)~~

~~149.20— Technology use policy.——~~

~~Editor's note— Pursuant to Resolution 2008-47, passed October 16, 2008, the Village has enacted a Technology Use Policy. Copies are on file at the Village Hall.~~

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that it is incumbent that employees of the Village have clear guidance and direction as to the policies, procedures, and directives governing their employment, therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 1-28-2025 Erica J. Nikolic
Erica Nikolic, President of Council

Tanya Joseph
Tanya Joseph, Clerk of Council

Presented to the Mayor 1-29-2025

Approved: 1-31-2025
Gary V. Gottschalk
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2025-05 was duly and regularly passed by this Council at the meeting held on the 28th day of January, 2025.

Tanya Joseph
Tanya Joseph, Clerk of Council

POSTING CERTIFICATE

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2025-05 was duly posted on the 3rd day of February, 2025, and will remain posted in accordance with the Oakwood Village Charter.

Tanya Joseph
Tanya Joseph, Clerk of Council

DATED: 2-3-2025