

## **Finance Committee Meeting Monday, November 10, 2014**

The Finance Committee met on Monday, November 10, 2014 at 6:15 p.m. in the council chambers at the Knisely Centre.

In attendance were committee members Darrin Lautenschleger, Mrs. Ramos, alternate Winnie Walker and Chair Sandy Cox.

Guests were Mayor Dave Johnson, Auditor Beth Gundy, council president Sam Hitchcock, Clerk of Council Patti McKay, council member Dan Lanzer, Service Director Jim Zucal, council member John Zucal, Safety Director Greg Popham, Mark Cox, Tony Danzo and Law Director Marvin Fete. The above guests were present for all or part of the meeting.

**Item 1: Ordinance 24-2014 An ordinance by the Council of the City of New Philadelphia, Ohio amending and adjusting the Permanent Appropriations Ordinance for the year 2014 and declaring an emergency.**

The Finance Committee received a memorandum from the Auditor to add the following items to Ordinance 24-2014:

### **INCREASE/(DECREASE) IN APPROPRIATIONS**

#### General - City Hall

101-1700-5-3940	Razing of Unsafe Buildings	(\$18,000.00)
101-1700-5-4300	Materials	\$18,000.00

Note: The Auditor had asked for the ordinance to be passed and the materials line item was for salt.

Mr. Lautenschleger moved to add the above information to Ordinance 24-2014 and recommended passage this evening. Mrs. Ramos seconded the motion and passed unanimously with 3 ayes. (Lautenschleger, Ramos and Cox)

### **Item 2: Revisited several previous items in Handbook**

#### 1. Reviewed and resolved:

##### **Page 41: Section 3.15 Resignation/References - F**

Mr. Lautenschleger – If the employee provides proper notice of resignation, accrued by unused

vacation and personal leave will be normally paid (in accordance with the City's personnel policies) by the second payday following the effective date of resignation. Is this something that is readily available so when people get hired they can see that and know what that is right from the start?

Ms. Cox had been in contact with the Auditor in regards to the above question.

\*\*The Auditor had replied and said "these items are readily available through the contracts and/or non-bargaining legislation that should be given to new employees."

## 2. Needs to be resolved:

The Mayor had a question in regards to Page 45 Compensation C. 5 – City salary schedules and individual employee pay rates shall be maintained on file in the City Administrative Office. The Mayor would like to see a definition of City Administrative Office.

***Definition of City Administrative Office – "the particular office depends on what materials and items are germane to it." There are four administrative offices Mayor, Auditor, Law Director and Treasurer.***

\*\*Mr. Lautenschleger moved to approve the above definition and Ms. Cox seconded the motion. Passed unanimously with 3 ayes. (Lautenschleger, Cox and Ramos)

## 3: Change in language:

**Page 47: Section 4.4 Employee Status Under FLSA (Exempt/Non-Exempt) B – Reads the Park Supervisor – should be Park *Superintendent* and Assistant Park Supervisor - should be *Assistant Park Superintendent*.**

\*\*Ms. Cox moved to approve the above change and Mrs. Ramos seconded the motion. Passed unanimously with 3 ayes. (Cox, Ramos and Lautenschleger)

## 4. Handbook addition to Definitions/Abbreviations

The Mayor had a question in regards to page 53 D. Immediate Family: for purposes of this policy, "immediate family" is defined as the employee's: spouse, child, parent, loco-parentis, sibling(s).

The Mayor questioned the word loco-parentis.

Mr. John Zucal said he thought the wording was very important because of a child being in care of someone other than a parent.

Mayor Johnson requested loco-parentis be included in Definitions/Abbreviations area of the Handbook.

**\*\*Definitions/Abbreviations loco-parentis – In loco-parentis is a legal doctrine describing a relationship similar to that of a parent to a child. It refers to an individual who assumes parental status and responsibilities for another individual, usually a young person, without formally adopting that person. For example, legal guardians are said to stand in loco-parentis with respect to their wards, creating a relationship that has special implications for insurance and Workers' Compensation law.**

**\*\*Mr. Lautenschleger moved to approve the above definition to be placed in the Definitions/Abbreviations section of the Handbook and Ms. Cox seconded the motion. Passed unanimously with 3 ayes. (Lautenschleger, Cox and Ramos)**

#### 5. Change language in Handbook:

Page 61 under Civil Leave Section 5.6

Under B. Payment: Full-time non-bargaining unit employees who are called to serve as jurors in ***any county or federal court*** shall be paid the difference between the compensation received from said court and their regular City compensation.

The Mayor would like the wording to include municipal court - ***“any municipal, county or federal court.”***

**\*\*Mrs. Ramos moved to approve the above change and Mr. Lautenschleger seconded the motion. Passed unanimously with 3 ayes. (Ramos, Lautenschleger and Cox)**

#### 6. Adopting the Handbook Travel Policy

Council has a sufficient travel policy Codified Ordinance 159.05 but when the handbook was updated Clemans, Nelson and Associates added some more details to the policy. Plus the 2010 policy stipulates if a room is more than ten percent higher than the IRS rate, it shall be the employee's personal expense unless such amount is approved by the finance committee on a case by case basis.

Ms. Cox said she has never remembered a case in which this expense has been denied by the finance committee and believes the administration is not going to send employees/supervisors to any type of schooling/seminar or etc. that is not considered in the scope of the employee's employment and/or doesn't believe the administration will abuse this policy.

Mrs. Ramos said we would know what was being spent because of a line item for travel, correct?

Ms. Cox said yes, that almost every department has a line item for travel.

The Safety Director said in almost every case in every department, when the Mayor and different people have gone to schools the lodging was always over the 10% that was allotted. It was out of wack (off the mark) to start with. For example, if you are sending someone to Cincinnati you are not going to find a hotel/motel for \$65 or \$70.

Ms. Cox mentioned that all the employees do stay at the hotel that is hosting the conference.

The Auditor also reminded everyone the lodging rates are based on the federal employee with a federal government I.D. and we don't get those rates.

The Finance Committee agreed when and if the handbook passes, the new travel policy would be adopted.

**\*\*Mr. Lautenschleger moved to recommend the new travel policy in the handbook and Mrs. Ramos seconded the motion. Passed unanimously with 3 ayes (Lautenschleger, Ramos and Cox)**

### 7. Change in Handbook

Page 88 Public Records – Inspection, Release and Retention Section 6.9

The Auditor questioned who the Public Records Custodian(s) was?

Law Director - Basically in the past, each department head is the Public Records Custodian for that particular department.

Mr. Lautenschleger wasn't sure why this section was in here (on Public Records) when the city has passed a record policy.

Ms. Cox reminded everyone that the handbook was written before our record policy was just passed a month ago. The reason the record policy was included in the handbook, from what I understand it goes back to the previous Mayor wanting all information in one document for you wouldn't have to spend extra time looking through years of materials to see if something exists.

Mr. Lautenschleger wanted to delete the whole section and didn't know why the policy would be included in the manual.

Mrs. Ramos asked if we could delete Section 6.9 and make reference to the ordinance.

Ms. Cox said yes, we could delete the section and make reference to the ordinance.

**\*\*Mr. Lautenschleger moved to approve the following recommendation – to delete Section 6.9 and make a note under Section 6.9 to refer to Public Records Request Policy – Ordinance 13-2014 – Passed 9-8-14 and was seconded by Mrs. Ramos. Passed unanimously with 3 ayes. (Lautenschleger, Ramos and Cox)**

### **Item 3: Review Chapter 7 – Employee Conduct pages 106-140**

The Mayor had a question on page 107 Ethics of Public Employment under B. 3. - Solicit or accept anything of value, whether in the form of services, loans, items, or promises from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City.

Mayor wanted number 3 changed to according to the State Ethics Commission. If we go to a local restaurant and somebody pays for it, which is perfectly legal. But if you go to a fancy restaurant where the charges are extraordinary that is something that should come up to the Ethics Commission. I called and asked them about this.

Ms. Cox said in Section B it does say in accordance with ORC 102 and 2921.42. This section is already referring to the Ohio Revised Code.

The Law Director said he would have to pull up those sections in order to answer the question.

Ms. Cox said she would include that as a question for the Law Director to check the Ohio Revised Code.

The Mayor had a question on page 108 under Tardiness E. – Suspensions, reductions in pay or classification, and terminations of employment may only be administered by the Appointing Authority. Suspensions of more than three (3) days' pay, reductions, and terminations of classified employees are required to be filed by the Appointing Authority with the Civil Service Commission, unless the employee is

covered by a collective bargaining agreement which waives civil service regulations.

The Mayor questioned the last sentence – “required to be filed by the Authority with the Civil Service Commission” said we do not have anybody, other than union employees who are civil service. I don’t want to open us up to placing everybody under civil service because we don’t have to.”

Ms. Cox said she believed this section is talking about the non-bargaining employees which would be Police & Fire Chief.

Mayor said yes, the Police & Fire Chief and that is it. We are writing this book for 12 to 14 people.

Ms. Cox stated she had no problem with adopting the handbook with some minor changes.

Mrs. Ramos wanted to know if you could look that up. It is my understanding, I am not under the civil service but the laws regarding civil employees cover me too because I work in a position that is being paid by tax dollars.

Mayor said he could look into it but doesn’t believe it is a necessary statement.

Ms. Cox said she wanted to read some information in regards to this handbook from the Clemans, Nelson & Associates who prepared this handbook and the former Mayor.

May 13, 2013 From Michael Seyer - Clemans, Nelson & Associates

“This manual has been updated to comply with applicable city ordinances, applicable sections of the ORC and the Ohio Administrative Code, The Fair Labor Standards Act, and certain court cases.”

May 28, 2013 From the former Mayor who worked with Clemans, Nelson & Associates

on preparing this handbook

“I see our group’s goal as reviewing it in general and looking for any obvious errors or omissions. There are a few optional sections in the draft that are on topics that were not found in our previous material or ordinances. Our goal should simply be to form an opinion to add the optional section or to not include it.

This draft has been professionally prepared and recommended. Clemans, Nelson has used partial information from Ordinance 39-97 and other sources of city information including our existing handbook so some of this will look familiar.

Our job as I see it is not to try to nitpick or rewrite it, but to just review it and look for any real problems or omissions.”

Ms. Cox said she understands we are reviewing this handbook for problems but this handbook was ran pass professionals and this manual took almost a year to construct. This book has already been scrutinized as to the legalities of it.

The Mayor said this is for a larger city. We are still New Philadelphia, Ohio.

Ms. Cox said when the committee originally met, we were informed of the areas that were new and this section was not considered new. From what I understood this was what the City was already following. This is what Jim Zucal, Jim Parrish, Sam Hitchcock, the former Mayor and I reviewed.

The Law Director asked if he should look into the civil service question.

Ms. Cox said yes.

The Law Director wanted to make sure Ms. Cox was making a list.

Ms. Cox replied yes, she has a list of about 11 pages at the moment.

Mr. Lautenschleger – suggested we stop reviewing the handbook page by page and we ask the Law Director and Mayor to sit down and get together, take the document they have, that has previously been reviewed and I don't understand why it didn't come to us as a piece of legislation to pass. Determine what they can live with, what needs to be fixed and what should be done because this is a general body of rules and regulations manual that should apply to every employee that walks into the door here, unless they are covered by a bargaining contract. The pieces that are not covered by the bargaining contract should be in here. If you are non-bargaining employees everything in here would cover you, unless you signed some kind of a special contract. I have really been frustrated because this has already been done by some folks.

Mr. John Zucal – The handbook is a lot larger than what people think. Frankly I will go on record, if someone in the union says this does not apply to us, does not mean it does not apply to them. Unless that is in that negotiated agreement, if it is not specific to that, than all these rules I would want to see applied to them as well.

The Service Director said this was Mike Taylor's document. The only two people from the administration who saw this document was Chief Parrish and myself.

Mr. Lautenschleger said he would request the Mayor to work on the document and come back to council with a recommendation.

Ms. Cox asked the Law Director his opinion since the handbook was assigned to committee.

The Law Director said he never believed it was a good idea to go through this page by page with non-attorneys. I believe you got to trust the people who put it together. I think it would be fine to have each department head to take a look at it, so they are familiar with it and kind of go from there.

Mrs. Ramos said she agreed with John, whatever is not covered in the bargaining agreement should be covered by the handbook and should be for everybody unless it is preempted by a union contract. So we are looking at this for everybody.

Ms. Cox wanted to bring up one last item. She had brought this item up at the original meeting and told the former Mayor she did not support this section. The City does not presently have working suspension. This section was one of the new sections added just in case. When questioned, no one could ever remember this section being needed but the former Mayor wanted this left intact. Ms. Cox informed him at that time she would bring this section up to council.

Ms. Cox said she thought if we had working suspensions this would set a bad example for the rest of the employees, sends the wrong message and when you are suspended – that is what you are (suspended).

#### Page 143 Progressive Discipline

D. All active records of discipline shall be maintained in the employee's personnel file at the Municipal Building. Working suspensions have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.

E. The Appointing Authority may issue a working suspension under certain circumstances, for example, to discipline an FLSA-exempt employee without jeopardizing the employee's exempt status, or to impose discipline when the Appointing Authority is understaffed.

The Mayor wanted to bring up one last item too.

#### Page 110 Solicitation and Distribution

This is telling me, that Marvin cannot bring any candy bars from his kids that they are selling at the school.

B. There shall be no solicitation or distribution by non-employees at any time on any City property or in any work area.

C. Employees may solicit other employees during non-work time in work areas, and during non-work time in non-work areas.

Ms. Cox said she didn't read it that way, but it is something else the Law Director would have to review.

Mr. John Zucal wanted to know what the language was in regards to working suspension.

Ms. Cox referred back to Chapter One – Introduction – Page 10 Working Suspension: A form of discipline whereby the Appointing Authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay of hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and will have the same effect as a suspension without pay for the purpose of recording disciplinary action.

The Mayor said it is only for emergency situations.

Safety Director said the normal situation like this is suspension with pay is pending due process. Ninety Nine (99%) percent of the time that person is not here and he is not on the job but he is being paid until the process goes to the next step.

Mr. John Zucal said they are suspended with pay because the due process has not been exhausted.

Safety Director said yes. Everyone is entitled to that due process.

Mrs. Ramos – if you are bringing somebody back in who has been suspended, you have already reached the level of suspension and you don't want to poison the well of the people who are there.

Safety Director said you could bring that person back until the first hearing takes place because the decision could be reversed. The Safety Director also said you don't want that person doing the same thing that basically got them in trouble in the first place.

Mr. John Zucal said you are better off to say no.

Safety Director – but they are being paid, so technically they are not being hurt because they are being paid.

The Service Director said all the contracts spell that out.

Mr. John Zucal asked about the non-bargaining.

The Service Director said you have no recourse for the non-bargaining.

Ms. Cox and Mrs. Ramos said it is spelled out in this handbook.

The Mayor said people who are working for the Law Director, Auditor or myself work at our pleasure. We don't have to go through hearings or anything; we can say you are no longer needed.

Mr. Lautenschleger said they are public employees and they should have some protection.



Mayor said they have no protection. They serve at our pleasure.

Mr. Lautenschleger and Mr. John Zucal thought we should provide these employees with some protection.

Mr. Lautenschleger commended the administration for the way they handled the situation a couple weeks ago by going through due process and I would think you want to build that into that so that you have legal protection for them, as well as protection for yourself. If it comes back and you did not go through any type of legal investigation, for example you hate the color of the shirt someone wears and he is out of here.

The Law Director said he was concerned, for example if the President couldn't get rid of his attorney general or his chief of staff – imagine if he had to go through a process. We are facing that problem now at the federal level with the VA. You want that new Mayor or Law Director to have that flexibility to hire the people they know that are going to be best for them.

Mr. Lautenschleger we are talking about two issues. I understand about changing staff but what I am talking about is from a disciplinary stand point. What I am talking about is an employee that committed some type of a felony, misdemeanor or some type of issue that is not in the public good. We still need to provide some kind of protection there on both ends.

The Service Director said anybody deserves a disciplinary hearing evaluation.

The Law Director said he was o.k. for disciplinary action for people who are serving in there but he didn't want to say when someone is elected they cannot make changes.

The Law Director wanted the administration to go over the questionable areas and then sit down with him and he would answer their questions.

Mr. Lautenschleger moved to ask the administration to review, finalize the document and bring back a recommendation to council and was seconded by Mrs. Ramos.

Discussion:

Ms. Cox asked who was going to make the final judgment on an item.

The Law Director said if there is a conflict, I am going to follow the law, because right now I am stuck following Ordinance 39-97. But I am going to follow whatever the law is.

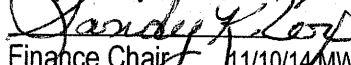
Ms. Cox asked if there were any other comments or questions. Seeing none, Ms. Cox said the motion was made by Mr. Lautenschleger to ask the administration to review, finalize the document and bring back a recommendation to council. The motion was seconded by Mrs. Ramos. Roll call - the motion passed unanimously with 3 ayes (Lautenschleger, Ramos and Cox).

The Law Director said he would advise copies be provided to everybody and have 30 days to review.

There being no further discussion Mr. Lautenschleger moved to adjourn the meeting at 6:58 p.m.

- Note:
- Chapter 1 Introduction - pages 1-14 \* Reviewed by committee
  - Chapter 2 Equal Employment Opportunity/Non-Discrimination - pages 15-22 \* Reviewed by committee
  - Chapter 3 Employment - pages 23-43 \* Reviewed by committee
  - Chapter 4 Compensation and Hours of Work - pages 44-51 \* Reviewed by committee
  - Chapter 5 Employee Benefits - pages 52-79 \* Reviewed by committee
  - Chapter 6 Personnel Procedures & Property - pages 80-105 \* Reviewed by committee
  - Chapter 7 Employee Conduct - pages 106-140 \* Partial review by committee
  - Chapter 8 Employee Discipline, Appeals & Grievances/Complaints - pages 141-160 \* Not reviewed by committee
  - Chapter 9 Non-Bargaining Employees Benefits - pages 161-163 \* Not reviewed by committee
  - Chapter 10 Forms - pages 164-206 \* Not reviewed by committee

Respectfully Submitted,

  
Finance Chair 11/10/14 MW

*Sections of the  
Handbook that were reviewed*

*(by the Finance Committee)*

BUT

NOT RESOLVED TO DATE



## **June 23, 2014 Finance Committee Meeting**

### 1. Needs to be resolved:

Mrs. Ramos wanted to know why the employees were being granted comp time. She thought that salaried employees should be exempted; you get a salary for your work, it is your job no matter how many hours it takes to do it.

**Page 4 Compensatory Time (Comp Time). Time off work without loss of pay granted to employees in lieu of paying actual cash for overtime hours worked. Comp time is granted at the rate of one and one-half hours of paid leave for each hour of overtime worked.**

Ms. Cox said she believed there is a state law that does require the City to offer comp time.

The Law Director said he believes that is the case but would check with Clemans, Nelson and Associates because they are the ones who wrote the policy.

## **June 30, 2014 Finance Committee Meeting**

### 2: Needs to be resolved:

### ***Chapter Three Employment***

Ms. Cox - Chapter 3 discusses employees being listed as "Classified" or "Unclassified". The City does need an updated list and the Law Director should review the list.

The Mayor said he has a list and the only two "Classified" are the Fire Chief and Police Chief. The Mayor believes the Health Department employees are "Unclassified".

Mr. Lautenschleger said by looking at B on page 24, all employees are presumed to be "Classified".

Mayor said that statement (B page 24) was taken from another city and was not custom made to our situation. The Mayor said everyone serves at his pleasure.

Ms. Cox said this is why we need to review and update "Classified" vs "Unclassified".

### 3. Needs to be resolved:

**Page 30 : Section 3.6 Promotion B - Factors to be considered for promotion include, but are not limited to, an employee's completion of any required probationary period, required training course(s), licensing or certification requirements, other minimum qualifications, annual**

**performance evaluation ratings, and the employee's knowledge, skills, and abilities to perform the essential functions of the vacant position.**

Mrs. Ramos was wondering why the employee was not paying for their own testing for promotion and why the City was paying for that.

Mayor Johnson replied it is because of their contracts.

Mrs. Ramos wanted to know if that was something we could look at.

The Mayor said it is not a main concern but we could look at it.

Mrs. Ramos wanted to know if we had a way of evaluating the employee's performance. I remember when I was sitting as part of the community before the election there was talk about evaluations but nothing was ever done.

Mayor – you can bring it up to the unions when we renegotiate.

Mrs. Ramos – you said this is for everybody.

Mayor - as far as my people go we evaluate them on a daily basis.

Mrs. Ramos wanted to know if there was something in their file, if the Mayor sat down with his employees and reviewed them on a yearly evaluation.

Mayor did not feel he needed to do that but said council could place it in there (handbook) if you want.

4. Needs to be resolved:

### ***Chapter Four***

### ***Compensation and Hours of Work***

**Page 45: Section 4.1 Compensation – 2. Increases in the pay schedule shall be made at the discretion of City Council.**

Mayor – made a recommendation that when this pay range occurs he would like to see a provision that the ceiling should be higher than their current wage.

Mrs. Ramos reminded everyone in 1. B. - are competitive based upon consideration of rates currently paid in the local labor market for comparable jobs and comparable jurisdictions (C), which also goes into job descriptions, education requirements and all that as well. Now we are back to pay ranges.

Mayor – you realize you cannot pass this without those (pay) ranges.

Mr. Lautenschleger – he was not comfortable with C. Non-Bargaining Unit Employees. The City Council shall establish the compensation system for non-bargaining unit employees, which shall be, insofar as practical, competitive with comparable jurisdictions. This is an administrative function, not a Council function. Mayor that is your job and I do not want to be involved in that. Council is legislative. We need to blow this section up and this is a job for the administration to work on.

Ms. Cox said she doesn't know why this section was placed in this Handbook but this was reviewed by Clemans, Nelson and Associates.

Mr. Lautenschleger suggested we bring Clemans, Nelson and Associates in for explanation. Darrin said this is not his duty and will not approve this document until that has been addressed somehow.

Mayor – said we are not paying Clemans, Nelson and Associates anything, until we absolutely have to.

Ms. Cox said she would refer this over to the Law Director since he does have some questions for Clemans, Nelson and Associates.

#### 5. Needs to be resolved:

**Page 46: Section 4.2 Pay Periods/Paychecks B – the City of New Philadelphia may choose to utilize direct deposit.**

Mr. Lautenschleger wanted to know if we could make all new hires mandatory.

Mayor thought all new hires are required to have direct deposit.

Suggestion: At the passage of this Handbook all new hires are required to utilize direct deposit.

\*\*\*Note: Researched the direct deposit issue - the City strongly encourages employees to utilize direct deposit but it is not mandatory. There is a problem with Permanent Part-Time, Part-Time and Seasonal (such as lifeguards) employees going direct deposit. Not all these people have bank accounts.

#### 6. Needs to be resolved:

**Page 46: Section 4.2 Pay Periods/Paychecks A – There are normally twenty-six pay periods per year each consisting of two weeks. The biweekly pay period for employees begins at 12:01 a.m. Monday and ends at 12:00 midnight the second succeeding Sunday. It is understood that once every eleven (11) years there are twenty-seven (27) pay periods.**

Ms. Cox suggested we have a distinction between salaried vs. hourly employees.

Mrs. Ramos said her boss is salaried and say she makes \$80,000 (just giving a figure) a year. It does not matter how many pays are in that year because of the 11 year cycle, she gets \$80,000. She does not get extra weeks of pay. She gets her lump sum, divided by how many pays are in that year. This is a salaried person vs. hourly.

Ms. Cox said our previous Law Director had made a ruling on that subject, and the annual salaried person pay check was divided by 27.

The Mayor said he didn't believe there was any definition any place for the people underneath us, as to whether they were salaried vs. hourly. The Mayor wanted to know where that information was.

Ms. Cox said the Auditor's office would have that information and I believe this needs to be explained in 4.2 A.

The Mayor said he wanted that in writing who is salaried vs. hourly.

Law Director said that is what I explained earlier to Ms. Cox. Also the Law Director and Mayor said they wanted the information listed in the Handbook.

Mr. Lautenschleger did not believe that should be done because you could change your organizational structure. Plus you would be updating this document all the time.

The Mayor said you would be updating this document all the time anyway.

#### 7. Needs to be resolved:

**Page 47: Section 4.4 Employee Status Under FLSA (Exempt/Non-Exempt) B – Compensatory time shall be calculated at one and one-half (1 ½) hours for each hour earned as overtime.**

Mrs. Ramos wanted to know why salaried people get comp time. If it takes 60 hours of work that is what you work and you get a salary for the year. Why is there comp time?

Mayor wanted to know where she acquired her information.

Mrs. Ramos – U.S. Department of Labor and Wage Division.

Mayor – O.K. – they are telling me my people are salaried. No, that is decided by council, it is not decided by Federal Government. There is an ordinance but we have not been able to find it.

Law Director said he would figure this out.



## August 25, 2014 Finance Committee Meeting

### 8. Needs to be resolved:

Mr. Jim Zucal brought up union contracts spell out family in a broader sense, even includes grandchildren.

\*\*Look at union contracts for definition of "immediate family" members.

**Fire: Sick Leave** – For purposes of this Article "immediate family" shall be defined as: wife, husband, child, step-child or other person to whom the employee stands in loco-parentis. Sick leave may also be used for an employee's mother or father if the employee's presence is required to care for the parent. The Fire Chief shall have sole discretion to grant sick leave for an employee whose presence is required to care for a family member not listed above; the decision of the Fire Chief shall not be subject to appeal in any manner.

**Police: Sick Leave** – Under this Agreement, immediate family is defined as: mother, father, loco-parentis, brother, sister, husband, wife or child, grandparents, mother-in-law and father-in-law. Unused sick leave shall be cumulative without limit.

**Clerical: Sick Leave** – For purposes of this Section, immediate family shall constitute an employee's spouse, parents, children and stepchildren. Additionally, employees may use sick leave for grandchildren but only if the grandchild is a permanent resident of the employee's household or the employee's dependent child. In the case of children and/or stepchildren not residing in the employee's household, employees shall provide a physician's statement as to the need for their presence if requested by the Employer. Application for use of the sick leave shall state the reason. Any falsification will be cause for loss of accumulated sick leave in the amount request and subject the employee to progressive discipline. After an absence of 3 consecutive workdays, a physician's slip shall be required before payment for sick leave will be authorized.

**AFSCME (Services) Sick Leave** – For purposes of this Section, immediate family shall constitute an employee's spouse, parents, children and stepchildren. In the case of children and/or stepchildren not residing in the employee's household, employees shall provide a physician's statement as to the need for their presence. Application for use of the sick leave shall state the reason. Any falsification will be cause for loss of accumulated sick leave in the amount requested and subject the employee to progressive discipline. After an absence of 3 consecutive workdays a physician's slip shall be required before payment for sick leave will be authorized.

### 9. Needs to be resolved:

Page 56 (bottom of the page) and the top of Page 57 – the Mayor requested that we remove the whole optional statement.

Full-time non-bargaining unit employees hired after the adoption of the policy/manual shall be paid in accordance with the following:

Upon retirement, an employee shall receive payment of accrued, but unused, sick leave for active service with the City, if the employee has at least 10 years of continuous service as a public employee with the City, state, or any political subdivision of the state or any combination thereof. The maximum amount of the payment shall be twenty-five percent of nine hundred sixty hours to a maximum of two hundred forty hours. Such payment shall be based upon one hundred percent of the employee's rate of pay at the time of retirement.

C. Employees eligible to receive payment for unused sick leave, as described herein, shall, upon retirement from active service with the City under an applicable state retirement plan, see the appointing authority to complete the required request form.

Ms. Cox asked the committee what they wanted to do.

Mayor said you are changing the rules on the new people.

Mr. Lautenschleger – asked the Mayor if he did not want to grandfather anybody, you don't want to have two classes, you just want to maintain it as it is.

Mayor said he just wants to maintain it as it is.

Mrs. Ramos asked why this was done.

Ms. Cox said we would have to have the Law Director check with Clemans, Nelson & Associates to see why this section was added.

10. Needs to be resolved:

Page 59 Holidays – Section 5.4

Mayor wasn't sure if all the non-bargaining holidays were included in the list.

Ms. Cox said she would review the union contracts.

\*Note: The non-bargaining followed the AFSCME contract in the past.

**Fire Contract Section 35.1.** The following holidays are those which shall be recognized and observed: New Year's Day, Martin Luther King Day, Presidents' Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day, Birthday of the Employee as a floating holiday.

**Police Contract Section 23.2.** The following days shall be considered holidays:

1. The first day of January, known as New Year's Day.
2. The third Monday of January, known as Martin Luther King Day.
3. The third Monday of February, known as President's Day.
4. The Friday immediately preceding Easter Sunday known as Good Friday.
5. The last Monday in May, known as Decoration or Memorial Day.
6. The fourth of July, known as Independence Day.
7. The first Monday in September, known as Labor Day.
8. The eleventh day of November, known as Veteran's Day.
9. The fourth Thursday in November, known as Thanksgiving Day.
10. The twenty-fifth day of December, known as Christmas Day.
11. The birthday of the employee. If the date of birth falls on any of the holidays heretofore designated, the Chief will assign another paid day off to the employee.

An employee wanting to use the Floating Holiday shall submit a written request to the Employer for approval at least four (4) calendar days in advance of the date of its intended use.

**Clerical Contract Section 25.1.** All employees in active pay status shall be paid for the following holidays provided the employee works, or is on approved leave, on the employee's regularly scheduled workday immediately prior to, and following, the holiday:

New Year's Day (January 1)  
Martin Luther King Day (3rd Monday in January)  
President's Day (3rd Monday in February)  
Good Friday  
Memorial Day (4th Monday in May)  
Independence Day (July 4)  
Labor Day (1<sup>st</sup> Monday in September)  
Thanksgiving Day (4th Thursday in November)  
Christmas Day (December 25)  
Employee's Birthday

**AFSCME (Services) Contract Section 25.1** All employees in active pay status shall be paid for the following holidays provided the employee works, or is on approved leave, on the employee's regularly scheduled workday immediately prior to and following the holiday:

New Year's Day (January 1)  
Martin Luther King Day (3<sup>rd</sup> Monday in January)  
President's Day (3<sup>rd</sup> Monday in February)  
Good Friday  
Memorial Day (4<sup>th</sup> Monday in May)  
Independence Day (July 4)  
Labor Day (1<sup>st</sup> Monday in September)  
Thanksgiving Day (4<sup>th</sup> Thursday in November)  
Christmas Day (December 25)  
Employee's Birthday

**11. Needs to resolved:**

Page 60 Funeral Leave Section 5.5

Mr. Lautenschleger questioned the (3) three work days of leave and thought it should be at least (5) days. Said he didn't understand the 175 miles from home, absence of five (5) work days will be allowed, but only three (3) days with pay. His own personal opinion 3 days is not enough. Mr. Lautenschleger said more than 3 are standard.

The Auditor said that it matches the union contracts.

Mrs. Ramos said she was fine with 3 days.

The Law Director said it is up to the committee and we should review the contracts.

Mr. Jim Zucal said the union contracts include aunts and uncles.

Ms. Cox said she wants to review the city contracts before she makes any decision on this item.

**Fire Contract**

**ARTICLE 37**  
**COMPASSIONATE LEAVE**

**Section 37.1.** An Employee shall be granted one (1) shift compassionate leave in the event of a death of a member of the immediate family. If the family member's funeral is more than 150 miles from the City of New Philadelphia the employee shall be granted sixteen (16) additional hours of compassionate leave.

**Section 37.2.** In unusual circumstances which result in hardship on the Employee regarding family responsibility, emotional circumstances which may affect the personal health of the Employee, or such other situation, the Fire Chief may grant additional time off.

**Section 37.3.** Any additional time off granted by the Fire Chief shall be deducted from the Employee's sick leave.

**Section 37.4.** Immediate family shall be defined as wife, husband, mother, father, foster-mother, foster-father, step-mother, step-father, sister, brother, child, step child, grandchildren, sister-in-law, brother-in-law, step-sister, step-brother, mother-in-law, father-in-law, uncle, aunt, niece, nephew, grandparents, or spouse's grandparents.

**Section 37.5.** Time off with pay will be granted to any Employee for a death involving any member of the Employee's family not set forth in section 4 of this article, however, such time off shall be deducted from the Employee's sick leave.

**Police Contract**  
**ARTICLE 20**  
**BEREAVEMENT LEAVE**

**Section 20.1.** The Chief of Police may allow a member of the Department time off with pay, not to exceed three (3) days as Bereavement leave, on account of a death in the immediate family. Under this Agreement, immediate family is designated as mother, father, loco-parentis, brother, sister, spouse, child, grandparents, grandchildren, mother-in-law and father-in-law. In all cases where more than three (3) days are required, the officer involved shall submit a request in writing to the Chief of Police. The Chief, in his sole discretion, may grant up to an additional two (2) days of bereavement leave. The Chief's decision shall not be appealable via the grievance and arbitration procedure. Time off for Bereavement leave shall not be deducted from sick leave or vacation accumulation.

**Section 20.2.** In the case of the death of a member of the employee's immediate or extended family, the Chief of Police may allow the employee to take additional time off for bereavement. The employee may be compensated for this additional bereavement provision from his/her vacation, personal day, compensatory time, or sick leave accrual. The Chief of Police shall not capriciously deny this leave.

## Clerical Contract

### **Section 24.6. Bereavement Leave.**

Employees who have a death in the immediate family shall be granted three (3) work days absence with pay to attend to funeral arrangements and/or funeral. The three (3) work days of leave shall be taken within one (1) week of the death. The immediate family shall be interpreted to mean father, mother, sister, brother, husband, wife, children, grandmother, grandfather, great grandmother, great grandfather, grandson, granddaughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepchildren, foster children, foster parents, guardian, or other person who stands in place of a parent (loco parentis), stepmother, stepfather, brother-in-law and sister-in-law. The loco parentis relationship must be demonstrated by the employee to the employer prior to the death of the claimed person who stands in place of a parent. If a death or funeral of a member in the immediate family occurs more than 175 miles from home, absence of five (5) work days will be allowed, but only three (3) days with pay. If a funeral leave is taken beyond the above limits, said leave shall be without pay. In all cases, the employee will inform the head of the Department when such leave will be extended. Holidays will not be counted as work days for the purpose of this section.

Time off will be granted to an employee for a death involving a member of the employee's family not listed above as a member of the employee's immediate family. Such time off, up to one day maximum may be deducted from the employee's sick leave. Additionally, the Service Director may authorize an additional day from the employee's vacation or personal day accrual.

## AFSCME (Services) Contract

**Section 24.6. Bereavement Leave.** Employees who have a death in the immediate family shall be granted three (3) work days absence with pay to attend to funeral arrangements and/or funeral. The three (3) work days of leave shall be taken within one (1) week of the death. The immediate family shall be interpreted to mean: father, mother, sister, brother, husband, wife, children, grandmother, grandfather, great grandfather, great grandmother, grandson, granddaughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepchild, foster child, foster parents, guardian or other person who stands in place of a parent (loco parentis), stepmother, stepfather, brother-in-law, sister-in-law, step-brother, step-sister, aunt, uncle, niece, nephew and, spouses grandparents. The loco parentis relationship must be demonstrated by the employee to the Employer prior to the death of the claimed person who stands in place of a parent. If a death or funeral of a member in the immediate family occurs more than one hundred seventy-five (175) miles from home, absence of five (5) work days will be allowed, but only three (3) days with pay. If a funeral leave is taken beyond the above limits, said leave shall be without pay. In all cases, the employee will inform the head of the department when such leave will be extended. Holidays will not be counted as work days for the purpose of this section.

Time off will be granted to an employee for a death involving a member of the employee's family not listed above as a member of the employee's immediate family. Such time off, up to one day maximum may be deducted from the employee's sick leave. Additionally, the Service Director may authorize an additional day from the employee's vacation or personal day accrual.

**12. Needs to be resolved:**

Page 74 Group Health Insurance Section 5.13

Ms. Cox referred to section C Payment: Premium payment levels are established by City Council.

Ms. Cox informed everyone that Council does not establish the premium payment levels. This process is done by the administration and the recommendation is sent on to Council to review and approve.

The committee agreed the wording should be changed to the "Premium payment levels are recommended by the Administration reviewed and approved by City Council."