

**ORDINANCE NO. 14-2020**

**TITLE: NON-BARGAINING PERSONNEL POLICY**

**AN ORDINANCE AMENDING ORDINANCE NO. 173-2017 TO CLARIFY NON-BARGAINING, CLASSIFIED EMPLOYEES FROM APPOINTED EMPLOYEES WITH RESPECT TO PRIOR STATE OF OHIO POLITICAL SUB-DIVISION EMPLOYMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, this legislation shall be retroactive effective January 1, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Barberton, State of Ohio, that:

**SECTION 1.** That the Vacation Section of Ordinance No. 173-2017, “Non-Bargaining Personnel Policy” which now reads as follows:

**VACATION**

Employees shall be entitled to vacation after they have completed one (1) year of service. However, the following positions, which are direct appointments of elected officials, may take vacation during the employee’s first year of employment: Building Commissioner, Council Clerk, Employees of the Municipal Court, Employees of the Clerk of Courts, City Engineer, Assistant Finance Director, Executive Assistant (Finance and Law), Human Resources Director, Personnel Coordinator, Safety Director, Service Director, Assistant Law Director, Prosecutor, Administrative Coordinator, and Utilities Director. Such employees shall then receive vacation according to the following schedules:

One (1) Year – Four (4) Years 10 Days  
Five (5) Years – Nine (9) Years 15 Days  
Ten (10) Years – Fourteen (14) Years 20 Days  
Fifteen (15) Years – Nineteen (19) Years 25 Days  
Twenty (20) Years and Over 30 Days

Vacation shall not be cumulative except as set forth herein and shall be taken in the year earned or forfeited. In no event shall an employee be permitted to use more than thirty-five (35) days of vacation in any calendar year.

Vacations shall be scheduled with the employee’s supervisor so that the department will be adequately staffed. The employee must request vacation three (3) days in advance of requested vacation time. Such notice may be waived if such leave does not interfere with the operations of the Employer.

**Prior Service**

**1. Prior Service Non-Retiree.**

Employees with prior service with the State of Ohio, or any political subdivision of the State of Ohio including the City of Barberton, shall receive one hundred percent (100%) prior credit for the purposes of determining vacation accumulation.

Example: Employee was employed by Franklin County for five (5) years. The employee, upon hire at the City of Barberton, will earn vacation at the Five (5) Years – Nine (9) Years rate, i.e. Fifteen (15) days per year.

## 2. Prior Service Retiree.

Employees with prior service with the State of Ohio or any political subdivision of the State of Ohio including the City of Barberton, shall receive fifty percent (50%) prior credit for purposes of determining vacation accumulation.

Example: Employee was employed by, and retired from, the City of Columbus. Employee is hired by the City of Barberton. Employee was employed by the City of Columbus for twenty (20) years. The employee, upon hire at the City of Barberton, will earn vacation at the Ten (10) Years – Fourteen (14) Years rate, i.e. Twenty (20) days per year.

3. Documentation. An employee claiming prior service from the City of Barberton, the State of Ohio or a political subdivision of the State of Ohio, shall provide a signed document setting forth the dates of service, the hours worked and whether such service was part-time, full-time, seasonal or as an elected official.

4. Part-Time Employment. Prior part-time service with the City of Barberton, the State of Ohio or a political subdivision of the State of Ohio, shall be used in determining service credit for purposes of vacation accumulation. Such prior service credit shall be prorated for all years in which the employee worked.

### **Vacation Carryover**

Employees may carry over a maximum of five (5) vacation days from one year to the next.

### **Vacation Bank**

Employees may “bank” any amount of unused vacation leave up to a maximum accumulation of ninety (90) days to be paid at retirement.

### **Vacation Payout upon Death, Resignation, Layoff or Retirement**

In the case of death of an employee during employment, unused vacation pay shall be paid to the employee’s spouse, next of kin, or if no survivors, then to the employee’s estate. If an employee resigns or is laid off, all vacation due, up to and including the date of resignation or layoff, shall be paid upon separation from employment.

**be and the same is hereby amended to read as follows and be retroactive effective  
January 1, 2020**

### **VACATION**

Non-Bargaining, Classified Employees without prior service with the State of Ohio, or any political subdivision of the State of Ohio, including the City of Barberton, shall be entitled to vacation after such Employee has completed the Probationary Period, which is not to exceed 120 days, with the following exceptions:

#### **1) Direct Appointments of Elected Officials**

Direct appointments of elected officials, may take vacation during the employee’s first year of employment: Building Commissioner, Council Clerk, Employees of the Municipal Court, Employees of the Clerk of Courts, Parks and Recreation Director, Parks and Recreation Assistant Director, Planning Director, City Engineer, Assistant Finance Director, Executive Assistant (Finance and Law), Human Resources Director, Personnel Coordinator, Safety Director, Service Director, Assistant Law Director, Prosecutor, Administrative Coordinator, and Utilities Director.

Such employees shall then receive vacation according to the following schedules:

End of Probationary Period – Four (4) Years	10 Days
Five (5) Years – Nine (9) Years	15 Days
Ten (10) Years – Fourteen (14) Years	20 Days
Fifteen (15) Years – Nineteen (19) Years	25 Days
Twenty (20) Years and Over	30 Days

- 2) Vacation shall not be cumulative except as set forth herein and shall be taken in the year earned or forfeited. In no event shall an employee be permitted to use more than thirty-five (35) days of vacation in any calendar year.
- 3) Vacations shall be scheduled with the employee's supervisor so that the department will be adequately staffed. The employee must request vacation three (3) days in advance of requested vacation time. Such notice may be waived if such leave does not interfere with the operations of the Employer.

## **2) Prior Service**

### **a. Prior Service Non-Retiree.**

- (1) Non-Bargaining, Classified Employees with prior service with the State of Ohio, or any political subdivision of the State of Ohio including the City of Barberton, shall receive one hundred percent (100%) prior credit for the purposes of determining vacation accumulation. Such accumulation shall be available after the Probationary Period, which is not to exceed 120 days.
- (2) Appointed Employees with prior service with the State of Ohio, or any political subdivision of the State of Ohio including the City of Barberton, shall receive one hundred percent (100%) prior credit for the purposes of determining vacation accumulation. Vacation shall be available for use during the first year of employment.

Example: Employee was employed by Franklin County for five (5) years. The employee, upon hire at the City of Barberton, will earn vacation at the Five (5) Years – Nine (9) Years rate, i.e. Fifteen (15) days per year.

### **b. Prior Service Retiree.**

- (1) Non-Bargaining, Classified Employees with prior service with the State of Ohio or any political subdivision of the State of Ohio including the City of Barberton, shall receive fifty percent (50%) prior credit for purposes of determining vacation accumulation. Such accumulation shall be available for use after the Probationary Period, which is not to exceed 120 days.
- (2) Appointed Employees with prior service with the State of Ohio, or any political subdivision of the State of Ohio including the City of Barberton, shall receive fifty percent (50%) prior credit for the purposes of determining vacation accumulation. Vacation shall be available for use during the first year of employment.

Example: Employee was employed by, and retired from, the City of Columbus. Employee is hired by the City of Barberton. Employee was employed by the City of Columbus for twenty (20) years. The employee, upon hire at the City of Barberton, will earn vacation at the Ten (10) Years – Fourteen (14) Years rate; i.e. Twenty (20) days per year.

- (3) Prior Part-Time Employment. Prior part-time service with the State of Ohio or any political subdivision of the State of Ohio, including the City of Barberton, shall be used in determining service credit for purposes of vacation accumulation upon Full-Time status with the City of Barberton. Such prior service credit shall be prorated for all years in which the employee worked.
- (4) Documentation. An employee claiming prior service from the City of Barberton, the State of Ohio or a political subdivision of the State of Ohio, shall provide a signed document setting forth the dates of service, the hours worked and whether such service was part-time, full-time, seasonal or as an elected official.

**Vacation Carryover**

Employees may carry over a maximum of five (5) vacation days from one year to the next.

**Vacation Bank**

Employees may “bank” any amount of unused vacation leave up to a maximum accumulation of ninety (90) days to be paid at retirement.

**Vacation Payout upon Death, Resignation, Layoff or Retirement**

In the case of death of an employee during employment, unused vacation pay shall be paid to the employee’s spouse, next of kin, or if no survivors, then to the employee’s estate. If an employee resigns or is laid off, all vacation due, up to and including the date of resignation or layoff, shall be paid upon separation from employment.

**SECTION 2.** That 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

**SECTION 3.** This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the further clarifies language that effects the hiring process, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2020

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2020

\_\_\_\_\_  
Mayor