

City of Willoughby Hills

ORDINANCE NO. 2019-67

AN ORDINANCE AMENDING PART ONE – ADMINISTRATION, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS, SECTION 157.16 – MILITARY SERVICE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, in the Police Department Memorandum from Chief Christopher J. Collins to Mayor Robert M. Weger, dated October 7, 2019, Chief Collins had requested that Section 157.16 – Military Service be updated to reflect the current language of ORC 5923.05 – Paid Military Leave for Permanent Public Employees; and

WHEREAS, the ORC has been updated several times and Section 157.16 – Military Service of the City’s codified ordinances does not reflect the current standards offered to public employees who choose to serve in the United States Military or Ohio National Guard or Militia; and

WHEREAS, this requested update to the code is particular important to those employees who may be called up for extended service duty, which has become more common in today’s service-related environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. Existing Section 156.16 – Military Service is hereby established to read and provide as follows:

“157.16 MILITARY SERVICE.

(A)

(1) All full-time employees of the City who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each federal fiscal year in which they are performing service in the uniformed services.

(2) As used in this section:

(a) “Federal fiscal year” means the year beginning on the first day of October and ending on the thirtieth day of September.

(b) “Month” means twenty-two eight-hour work days or one hundred seventy-six hours, or for a public safety employee, seventeen twenty-four-hour days or four hundred eight-hours, within one federal fiscal year.

(c) “Full-time employee” means any person holding a position in the City employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration.

“Full-time employee” does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

(d) “Service in the uniformed services” means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Revised Code.

(e) “Uniformed services” means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(f) “Public safety employee” means a full-time City employee who is employed as fire fighter or emergency medical technician.

(B) Except as otherwise provided in division (C) of this section, any full-time employee of the City, who is entitled to the leave provided under division (A) of this section, and who is called or ordered to the uniformed services for longer than a month {e.g. 176/408 hours ref. (A)(2)(b)} for each federal fiscal year in which the employee performed service in the uniformed services, because of an executive order issued by the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

(1) The difference between the employee’s gross monthly wage or salary as a full-time City employee and the sum of the employee’s gross uniformed pay and allowances received that month;

(2) Five hundred dollars.

(C) No full-time employee shall receive payments under division (A) or (B) of this section if the sum of the full-time employee’s gross uniformed pay and allowances received in a pay period exceeds the employee’s gross wage or salary as a full-time employee for that period or if the full-time employee is receiving pay under division (A) of this section.

(D) Each full-time City employee who is entitled to leave provided under division (A) of this section shall submit to the employee’s appointing authority the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing that service, prior to being credited with that leave.

(E) Any full-time employee of the City whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to the performance of that service, except that no collective bargaining agreement may afford fewer rights and benefits than are conferred under this section.”

SECTION 2. All Ordinances, or parts thereof in conflict with the provisions of this Ordinance be, and are hereby repealed as of the effective date of this Ordinance; specifically, Ordinance No. 2002-02.

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. This ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of a municipal department, and further being to provide the current state standards offered to public employees who choose to serve in the United States Military or Ohio National Guard or Militia, who may be called up for extended service duty which has become more common in today's service related environment. Wherefore, this ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: October 24, 2019

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this 24 day of October, 2019

Approved by the Mayor

October 25, 2019

ATTEST: Victoria Ann Savage
Victoria Ann Savage
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor