

ORDINANCE NO. 76-24

AN ORDINANCE AMENDING CHAPTERS 242, 246 & 256 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO DESIGNATE HOLIDAYS FOR WHICH INTERMITTENT AND PERMANENT PART-TIME EMPLOYEES OF THE CITY OF AVON WILL BE ENTITLED TO PREMIUM PAY AND DECLARING AN EMERGENCY

WHEREAS, Permanent Part-time and Intermittent employees of the City are currently paid their hourly rate of pay even when scheduled or called in to work on certain holidays during the course of the year; and

WHEREAS, the Administration desires to designate certain holidays during the course of the year on which the permanent part-time and intermittent employees of the City of Avon will be entitled to premium pay;

WHEREAS, “premium pay”, for purposes of this legislation, is defined as double the base rate of pay for that particular employee’s position; and

WHEREAS, Council, after hearing from the Administration and reviewing their recommended amendments, finds it to be in the best interests of the health, safety, and welfare of the citizens of Avon to equitably adjust holiday pay for permanent part-time and intermittent employees of the City and continue to promote a positive work environment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That effective July 1, 2024, the provisions of Chapters 242, 246 & 256 as they pertain to “Holidays” shall be amended to read as set forth in Exhibit “A” which is attached hereto and incorporated herein by reference. For purposes of this legislation, “premium pay” is defined as two times or double the employee’s hourly rate of pay.

Section 2 – That the Codifier is hereby instructed to insert the new language and changes into Chapters 242, 246 & 256 as contained in Exhibit A of this legislation in the appropriate order within the existing codified ordinances, renumbering and/or re-lettering anywhere applicable. All other language contained in Chapters 242, 246 & 256 not specifically amended herein shall remain in full force and effect.

Section 3 - That 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of

Avon, the immediate emergency being the necessity to clarify language pertaining to holidays in Chapters 242, 246 & 256 and holiday "premium pay" as soon as practicable; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: July 8, 2024 DATE SIGNED: July 8, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: July 9, 2024

[Signature]
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: July 11, 2024
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 76-24, passed by the Council of said City on July 8, 2024.

IN WITNESS WHEREOF, I have on this 9th day of July 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 76-24

CHAPTER 242 - DEPARTMENT OF PUBLIC SAFETY

Section 1 - That Section 242.10(a) of the Avon Codified Ordinance which currently reads as follows:

242.10 HOLIDAYS.

(a) The following 13 days are hereby declared holidays for full-time City employees:

- (1) New Year's Day;
- (2) Martin Luther King Day;
- (3) Easter Sunday;
- (4) Memorial Day (the last Monday of May);
- (5) Independence Day;
- (6) Labor Day;
- (7) Columbus Day;
- (8) Thanksgiving Day;
- (9) Police Memorial Day (May 15);
- (10) Christmas Day;
- (11) The employee's birthday; and
- (12) Two floating holidays.

The provisions herein do not apply to employees within the Department of Fire as they are addressed under Chapter 246.

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

(a) The following 13 days are hereby declared holidays for full-time ~~City~~ employees of **Avon Police Department**:

- (1) New Year's Day;
- (2) Martin Luther King Day;
- (3) Easter Sunday;
- (4) Memorial Day (the last Monday of May);
- (5) ~~Independence Day~~; **4th of July**
- (6) Labor Day;
- (7) Columbus Day;
- (8) Thanksgiving Day;
- (9) Police Memorial Day (May 15);
- (10) Christmas Day;
- (11) ~~The employee's birthday~~; and
- (12) ~~Two~~ **Three** floating holidays.

The provisions herein do not apply to employees within the Department of Fire as they are addressed under Chapter 246.

Section 2 - That Section 242.10(g) of the Avon Codified Ordinance which currently reads as follows:

(g) Notwithstanding anything herein to the contrary, effective April 9, 1989, the following days are hereby declared to be holidays for the part-time employees classified as Dispatcher Class II and Patrolman Class II:

- (1) Easter Day
- (2) Independence Day
- (3) Thanksgiving Day
- (4) Christmas Day

If a Dispatcher Class II or a Patrolman Class II is required to work on any of the holidays listed in this division, he or she shall be entitled to pay for such time worked at two times his or her base rate of pay for the total hours worked.

(Ord. 13-89. Passed 6-26-89; Ord. 113-03. Passed 7-14-03.)

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

(g) Notwithstanding anything herein to the contrary, effective ~~April 9, 1989~~, **July 1, 2024**, the following days are hereby declared to be holidays for the **permanent** part-time and **intermittent** employees classified as Dispatcher Class II and Patrolman Class II **of the Avon Police Department:**

- (1) **New Years Day**
- (2) ~~Easter Day~~ **Sunday**
- (3) **Memorial Day**
- (4) ~~Independence Day~~ **4th of July**
- (5) Thanksgiving Day
- (6) **Christmas Eve**
- (7) Christmas Day

If a ~~Dispatcher Class II or a Patrolman Class II~~ **permanent part time or intermittent employee** is required to work on any of the holidays listed in this division, he or she shall be entitled to **premium** pay for such time worked at two times his or her base rate of pay for the total hours worked.

(Ord. 13-89. Passed 6-26-89; Ord. 113-03. Passed 7-14-03.)

CHAPTER 246 – DIVISION OF FIRE

Section 3 - That Section 246.06 of the Avon Codified Ordinance which currently reads as follows:

246.06 HOLIDAYS FOR FIRE DEPARTMENT EMPLOYEES.

(a) The authorized holidays for full-time Fire Department employees shall include the following: New Year's Day, Martin Luther King Day, Easter, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Christmas Day, the employee's birthday, and 2

floating holidays. Shift employees shall receive 10.6 hours of holiday pay for each of the designated holidays as set forth above, provided the employee works the regularly scheduled day surrounding the holiday, and when scheduled, the holiday itself. Forty-hour per week employees shall receive 8 hours of holiday pay or time, as applicable, for each of the designated holidays. Eligible employees who work on the holiday shall receive time and one-half for all hours worked.

(b) The floating holidays shall be two 24-hour days for shift employees and two 8-hour days for 40-hour employees and may be taken with the prior approval of the Chief/designee.

(c) Part-time or intermittent employees who work on one of the designated holidays shall be compensated double time for all hours actually worked.
(Ord. 130-99. Passed 8-9-99; Ord. 114-03. Passed 7-14-03.)

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

CHAPTER 246 – DIVISION OF FIRE

246.06 HOLIDAYS FOR FIRE DEPARTMENT EMPLOYEES.

(a) The authorized holidays for full-time Fire Department employees shall include the following: New Year's Day, Martin Luther King Day, Easter **Sunday**, Memorial Day, ~~Independence Day~~ **4th of July**, Labor Day, Columbus Day, Thanksgiving Day **and the day after, Christmas Eve**, and Christmas Day, ~~the employee's birthday, and 2 (3) floating holidays, with one that represents the employee's birthday.~~ Shift employees shall receive 10.6 hours of holiday pay for each of the designated holidays as set forth above, provided the employee works the regularly scheduled day surrounding the holiday, and when scheduled, the holiday itself. Forty-hour per week employees shall receive 8 hours of holiday pay or time, as applicable, for each of the designated holidays. Eligible employees who work on the holiday shall receive time and one-half for all hours worked.

(b) The floating holidays shall be ~~two~~ **three** 24-hour days for shift employees and ~~two~~ **three** 8-hour days for 40-hour employees and may be taken with the prior approval of the Chief/designee.

(c) Part-time or intermittent employees **of the Avon Fire** Department who work on one of the designated holidays shall be compensated double time for all hours actually worked. **The designated holidays are as follows: New Years Day, Easter Sunday, Memorial Day, 4th of July, Thanksgiving Day, Christmas Eve and Christmas Day.**
(Ord. 130-99. Passed 8-9-99; Ord. 114-03. Passed 7-14-03.)

Section 4 - That Section 256.12 of the Avon Codified Ordinance which currently reads as follows:

CHAPTER 256 – EMPLOYEES GENERALLY

256.12 HOLIDAYS.

(a) The following thirteen days are hereby declared holidays for City employees:

- (1) New Year's Day;
- (2) Good Friday;
- (3) Memorial Day (the fourth Monday of May);
- (4) Independence Day;
- (5) Labor Day;
- (6) Columbus Day;
- (7) Thanksgiving Day;
- (8) The day after Thanksgiving;
- (9) Christmas Eve;
- (10) Christmas Day;
- (11) The employee's birthday; and
- (12) Two floating holidays.

(Ord. 180-99. Passed 11-8-99.)

(b) The floating holidays will be given to each full-time employee. The dates of such holidays will be at the discretion of the employee, with the consent of the appropriate department director.

(c) The birthday of each full-time employee will be given to that particular employee. When a birthday falls on one of the preceding holidays or on a non-working day, the employee shall take as his or her holiday the next succeeding Friday which is a working day and not a holiday. This may be altered with the consent of the appropriate department director.

(d) When any holiday listed in subsection (a) hereof falls on a non-working day, the following working business day shall be considered a holiday. In addition to the holidays set forth in subsection (a) hereof, any day may be designated as a holiday by proclamation of the Mayor and approval of Council. An employee must work the working day preceding and succeeding a holiday or be on authorized leave in order to be compensated for a holiday.

(e) No full-time permanent employee shall fail to be paid for a holiday by reason of authorized absence on such day. A full-time permanent hourly paid employee shall be compensated for time worked on the holidays named in subsection (a) hereof at a rate which includes a full pay for the holiday, plus actual hours worked.

(f) Double time and compensatory time-off, as provided in this chapter, shall be allowed only where an employee is required to work on such holiday or its legal observance. Compensatory time-off shall be arranged for and taken by employees only upon approval of their director.

(Ord. 14-86. Passed 4-28-86.)

Shall be amended to read as follows: (New language in bold print; deleted language stricken)

CHAPTER 256 – EMPLOYEES GENERALLY

256.12 HOLIDAYS.

(a) The following ~~thirteen~~ **fourteen** days are hereby declared holidays for City employees:

- (1) New Year's Day;
- (2) Martin Luther King Day;**
- ~~(2)~~ **(3)** Good Friday;
- ~~(3)~~ **(4)** Memorial Day (the fourth Monday of May);
- ~~(4)~~ **(5)** ~~Independence Day~~ **4th of July;**
- ~~(5)~~ **(6)** Labor Day;
- ~~(6)~~ **(7)** Columbus Day;
- ~~(7)~~ **(8)** Thanksgiving Day;
- ~~(8)~~ **(9)** The day after Thanksgiving;
- ~~(9)~~ **(10)** Christmas Eve;
- ~~(10)~~ **(11)** Christmas Day;
- ~~(11)~~ The employee's birthday; and
- ~~(12)~~ Two Three floating holidays, **one representing the employee's birthday.**

(Ord. 180-99. Passed 11-8-99.)

(b) The floating holidays will be given to each full-time employee. The dates of such holidays will be at the discretion of the employee, with the consent of the appropriate department director.

~~(c) The birthday of each full-time employee will be given to that particular employee. When a birthday falls on one of the preceding holidays or on a non-working day, the employee shall take as his or her holiday the next succeeding Friday which is a working day and not a holiday. This may be altered with the consent of the appropriate department director.~~

~~(d)~~ **(c)** When any holiday listed in subsection (a) hereof falls on a non-working day, the following working business day shall be considered a holiday. In addition to the holidays set forth in subsection (a) hereof, any day may be designated as a holiday by proclamation of the Mayor and approval of Council. An employee must work the working day preceding and succeeding a holiday or be on authorized leave in order to be compensated for a holiday.

~~(e)~~ **(d)** No full-time permanent employee shall fail to be paid for a holiday by reason of authorized absence on such day. A full-time permanent hourly paid employee shall be compensated for time worked on the holidays named in subsection (a) hereof at a rate which includes a full pay for the holiday, plus actual hours worked.

~~(f)~~ **(e)** Double time and compensatory time-off, as provided in this chapter, shall be allowed only where an employee is required to work on such holiday or its legal observance. Compensatory time-off shall be arranged for and taken by employees only upon approval of their director.

(f) Part-time or intermittent employees who work on one of the designated holidays shall be compensated double time for all hours actually worked. **The designated holidays are as follows: New Years Day, Easter Sunday, Memorial Day, 4th of July, Thanksgiving Day, Christmas Eve and Christmas Day.**

(Ord. 14-86. Passed 4-28-86.)