

ORDINANCE NO. 129-16

**AN ORDINANCE AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE(S)
TO ENTER INTO A MEMORANDUM OF UNDERSTANDING IN THE MATTER
OF THE CITY OF AVON AND THE OHIO PATROLMEN'S BENEVOLENT
ASSOCIATION ("OPBA" or "UNION"); FEDERAL MEDIATION AND
CONCILIATION SERVICE (FMCS) CASE NO.: 160804-56743-6
AND DECLARING AN EMERGENCY**

WHEREAS, the City and the OPBA, proceeded to grievance arbitration (FMCS Case No.: 160804-56743-6) on December 6, 2016, under the provisions of the collective bargaining agreement between the parties (effective January 1, 2015 through December 31, 2017); and

WHEREAS, at the commencement of the arbitration hearing the Union requested the opportunity to spend some time in pursuit of a settlement before proceeding with a hearing on the matter, and further narrowed the dispute to the applicability of City Personnel Policy 7.5, Attendance/Absence Abuse, to those employees assigned to a twelve (12) hour shift work schedule; and

WHEREAS, the City administration and its representatives determined it to be in the best interests of the City to pursue a mutually agreeable resolution to the dispute; and

WHEREAS, the City and the Union were successful in their efforts to reach a mutually agreeable resolution and a Memorandum of Understanding was executed with the understanding that the matter would require review and action by City Council because City Personnel Policy 7.5, Attendance/Absence Abuse was adopted by City Council when the City-wide Personnel Policy manual was adopted pursuant to Ordinance 176-08; and

WHEREAS, upon review, the administration and Council have determined the Memorandum of Understanding to be acceptable and in the best interest of the City of Avon as it clarifies the applicability of the policy to those Patrol Officers assigned to a twelve (12) hour shift work schedule, a circumstance that did not exist when the City-wide Personnel Policy manual was adopted in 2008.

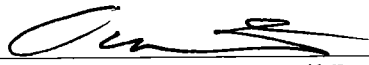
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 – That the Council of the City of Avon hereby authorizes the Mayor and/or his designee(s) to enter into a Memorandum of Understanding with the OPBA to fully resolve Grievance FMCS Case No.: 160804-56743-6.

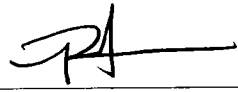
Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of peace, health, and safety in the City of Avon the immediate emergency being the necessity of resolving a grievance with the OPBA; therefore, this Ordinance shall be in full force and effect immediately upon its passage by this Council and approval by the Mayor.

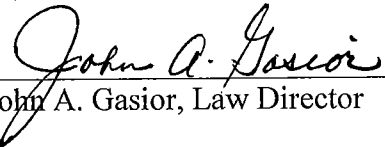
PASSED: December 12, 2016 DATE SIGNED: December 12, 2016

BY: 
Craig Witherspoon, Council President

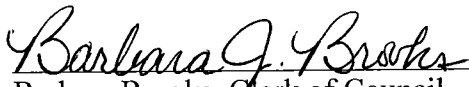
DATE APPROVED BY THE MAYOR: December 13, 2016


Bryan K. Jensen, Mayor

APPROVED AS TO FORM:


John A. Gasior, Law Director

ATTEST:


Barbara Brooks, Clerk of Council

POSTED: December 14, 2016
In five places as
provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director