

ORDINANCE RECORD
COUNCIL OF THE CITY OF BRECKSVILLE

Ordinance No. _____ **5282** _____

**AN ORDINANCE AMENDING SECTION
145.08 OF THE ADMINISTRATIVE CODE
TO CLARIFY PAYOUT OF OVERTIME AND
CASHOUT AND TO ELIMINATE JOB CLASSES;
AND DECLARING AN EMERGENCY**

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville,
County of Cuyahoga, and State of Ohio, that:

SECTION 1. Section 145.08 of the Administrative Code be amended to read as follows:

“145.08 OVERTIME.

(a) All full-time, permanent part-time, special or seasonal employees, and part-time police personnel of the municipality, except those specified in § 145.13, shall be paid overtime for all hours in excess of forty (40) worked in any one week. Hours worked include vacation, compensatory time off, bereavement leave, and holidays, but does not include sick leave or personal leave. Hourly paid employees shall receive overtime pay at a rate equivalent to one and one-half (1½)-times their regular hourly rate for all overtime work. **The regular hourly rate used in this computation is to include longevity paid to each employee.** Salaried employees shall be paid, in addition to their regular salary, overtime pay at a rate equivalent to one and one-half (1½)-times their hourly compensation rate as determined in accordance with § 145.03. Any employee who, with the approval of his or her department head, regularly works less than the standard forty (40) hour work week shall not be entitled to overtime pay for hours worked in excess of such employee's normal work week, unless such employee works in excess of forty (40) hours. Overtime pay shall be calculated and paid to every employee not later than the employee's next regular pay period subsequent to such overtime pay being accrued.

(b) * * * * (no change)

(c) For those Police Department employees whose work is scheduled over a two (2)-week period, overtime shall be paid for hours worked in excess of eighty (80) hours. Hours worked include vacation, compensatory time off, bereavement leave, and holidays or a day taken in compensation for such holiday, but does not include sick leave or personal leave. **Holidays not worked, or a day taken in compensation for such holiday shall be included in computing the overtime in excess of eighty (80) hours. Employees shall receive overtime pay at a rate equivalent to one and one half (1½) times their regular hourly rate for all overtime worked. The regular hourly rate used in this computation is to include longevity paid to each employee.**

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(d) For full-time firemen, overtime shall be paid at the rate of one and one-half (1½)-times the employee's regular rate of pay. **The regular hourly rate used in this computation is to include longevity paid to each employee.** Any hours worked beyond the normal average two (2) week work schedule of one hundred and six (106) hours shall be eligible for overtime compensation. Hours worked include vacation, compensatory time off; bereavement leave, and holidays, but does not include sick leave or personal leave. If a full-time fireman works a regularly scheduled tour of duty which falls on a holiday, including Easter Sunday, he or she shall be entitled to one and one-half (1½)-times his or her regular rate of pay for all hours actually worked during a holiday tour of duty. In addition to the overtime compensation provided herein, any full-time fireman who is required to work on any such holiday shall be entitled to one (1) hour off, with pay, for each hour actually worked on the holiday. These additional hours off shall be added to the employee's leave in the next calendar year. At the employee's option compensatory time off may be accumulated in lieu of paid overtime. Compensatory time off shall be accrued at the rate of one and one-half (1½) hours for each hour of overtime worked with a maximum accumulation of one hundred twenty (120) hours of compensatory time off. **Accumulated but unused compensatory time off will be paid to the employee at the time of separation from the city and shall be paid to the employee at the employee's current rate of pay.**

(e) through (f) * * * * (no change)

(g) For all full-time Police ~~Dispatchers and the Captain~~ and Lieutenant(s) of the Police Department, at the employee's option, compensatory time off may be accumulated in lieu of paid overtime. Compensatory time off shall be accrued at the rate of one and one-half (1½) hours for each hour of overtime worked and the maximum amount of accumulated compensatory time off shall not exceed eighty (80) hours at any time. Accumulated but unused compensatory time off will be paid to the employee at the time of separation from the city and shall be paid to the employee at the employee's current rate of pay. All or a portion of an employee's accumulated compensatory time off may be paid to an employee in an emergency situation upon application to and approval by the Director of Public Safety. Compensatory time off will be with approval of the Chief of Police in increments of not less than one (1) hour. Compensatory time accumulation and use will be consistent with regulations contained in the Fair Labor Standards Act."

SECTION 2. Section 145.08 of the Administrative Code as it existed prior to the effective date of this Ordinance and all other ordinances or resolutions inconsistent herewith be, and the same hereby are, repealed.

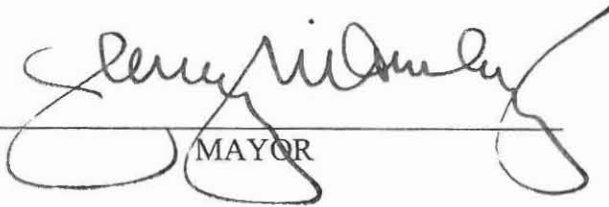
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SECTION 3. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to clarify payout of overtime and cashout and to eliminate job classes, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: December 17, 2019

APPROVED: December 17, 2019

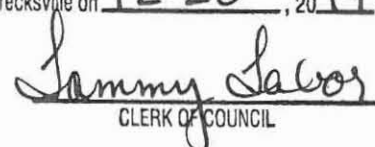


MAYOR



CLERK OF COUNCIL

I do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5282 duly passed by the Council of the City of Brecksville, Ohio, on 12-17, 20 19 and that same was duly posted in accordance with the existing Charter of the City of Brecksville on 12-20, 20 19.



CLERK OF COUNCIL