

ORDINANCE NO. O-2007-5

AN ORDINANCE AMENDING SECTION 155.11 OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM TO PROVIDE FOR COMPENSATORY TIME AS WELL AS OVERTIME FOR FULL TIME VILLAGE EMPLOYEES TO BE EFFECTIVE MARCH 17, 2007 DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

WHEREAS, the Council Of the Village of Windham wishes to adopt a compensatory time off to compliment the overtime situation for Village employees; and

WHEREAS, the Finance Committee has reviewed the Safety Department, Street Department and Utilities concerns; and

WHEREAS, this matter is an emergency measure affecting the health, safety and general welfare of the residence of the Village of Windham;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Windham three-fourths or more of the members elected thereto concurring that:

Section One: That Section 155.11 of the Codified Ordinances of the Village of Windham is hereby amended to read as follows:

155.11 OVERTIME AND COMPENSATORY TIME

- (1) Overtime shall be paid at the rate of 1 and ½ hours for each hour over 40 worked in a week.

- (2) Full-time employees, other than those considered exempt, of the Village of Windham may be entitled to compensatory time (accrued at 1 and ½ hours for each hour of overtime) instead of paid overtime. The Council may from time to time establish the use of compensatory time for individual departments if the situation necessitates such a policy.
 - (A) All overtime (or compensatory time) shall be approved in writing by the respective Department Head for the pay period in which it is earned (accrued).

 - (B) The Village shall retain the right to pay compensatory time in cash rather than in time off.

- (3) Use of Compensatory Time
 - (A) Requesting for compensatory time off
 - (1) Request for compensatory time off must be submitted in writing 72 hours in advance of the anticipated time off. Such request shall be given reasonable consideration.
 - (2) Employees shall make request to their Department Head

and Department Heads before taking any compensatory time off shall have the approval of Mayor or his/her delegate.

- (B) Granting of compensatory time off
 - (1) Compensatory time off shall be granted subjected to the operational needs of the department.
- (C) Cashing of compensatory time in
 - (1) Compensatory time can be transfer into cash award to the employee at the current rate of pay at time of request. All requests shall be in writing to the Department Head. The Department Head will make request known to their Council committee for approval.
 - (2) Upon retirement or any other employment termination, the employee will be paid for any compensatory time accumulated at the current wage rate.
- (D) A Department Head may designate when employees shall take compensatory time at his discretion.
- (E) Compensatory time used by the employee shall not be considered time worked other than for computing sick time and PERS.

(4) Maximum Accrual of Compensatory Time

Employees generally may accrue up to existing hours (40) hours of compensatory time. When the maximum hours of compensatory time accrual is rendered, payment for overtime shall be made in cash.

Each employee shall be paid in full or use comp time by December 31 of each year.

Section Two: It is hereby 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 of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Section Three: This Ordinance is hereby declared to be an emergency measure necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village of Windham, Ohio and this Ordinance shall go into full force and effect immediately upon its passage by three-fourths of the members of Council.

Ayes: Rachel Barrett, Sonya Edwards, Sonya Garrett, Jodi Minotti, Phil Snyder. Nays: Marian Garrett

Passed in Council this 15th day of May, 2007.

ATTEST:

APPROVED:

Village Fiscal Officer

Mayor, Village of Windham

I hereby certify that this Ordinance was duly published by public posting at predesignated posting places.

Village Fiscal Officer