

RESOLUTION G2022-33

**RESOLUTION REVISING SYMMES TOWNSHIP PERSONNEL POLICY
MANUAL ARTICLE III COMPENSATION AND IV EMPLOYEE BENEFITS**

WHEREAS, Article III and IV of the Symmes Township Personnel Manual states the compensation for all of the employees and employee benefits for full-time and part-time regular employees of the Township; and

WHEREAS, the Township Administrator is recommending changes to the existing policies at the request of the employees and the Board of Trustees have reviewed and discussed these changes in a work session; and

WHEREAS, the Board of Township Trustees of Symmes Township, Hamilton, County, Ohio wishes to revise Article III Section C Overtime/Compensatory Time, Article IV Section C Paid Holidays, Section D Paid Vacation, Section F Sick Leave, Section G Funeral Leave, Section H Family Medical Leave, and Section P Uniforms/Shoes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Symmes Township, Hamilton County, Ohio:

- Section 1.** That all other sections that have been previously adopted are hereby revised.
- Section 2.** That the Symmes Township Personnel Policy Manual shall be adjusted to reflect the change adopted herein per Attachment A.
- Section 3.** That Article III Section C Overtime/Compensatory Time, Article IV Section C Paid Holidays, Section D Paid Vacation, Section F Sick Leave, Section G Funeral Leave, Section H Family Medical Leave, and Section P Uniforms/Shoes be effective retroactively to January 1, 2022.
- Section 4.** Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.
- Section 5.** This Resolution shall take effect and be enforced from and after the earliest period allowed by law.
- Section 6.** Finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open

meetings of this Board, and that all deliberations of this Board and any of its committee that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without limitation) Ohio Revised Code §121.22, except as otherwise permitted thereby.

ADOPTED MARCH 1, 2022 – RESOLUTION G2022-33

Vote Record: Ms. Leis _____ Mr. Beck _____ Mr. Bryant _____

BOARD OF TRUSTEES:

Jodie L. Leis, President

Philip J. Beck, Vice-President

Kenneth N. Bryant, Trustee

ATTEST:

Joseph C. Grossi, Fiscal Officer

APPROVED AS TO FORM:

Jeff Forbes, Law Director

ARTICLE III. COMPENSATION

SECTION C: OVERTIME/COMPENSATORY TIME

EFFECTIVE DATE: JANUARY 1, 2022

LATEST REVISION: DECEMBER 2003, MARCH 2019, MARCH 2022

PURPOSE:

To state the Township's position regarding straight time, premium time and overtime compensation.

POLICY:

The Township shall keep to a minimum work in excess of established schedules and shall permit such work only when it is necessary to meet urgent operating requirements of the Township.

There may be times when you will need to work hours exceeding your normal work schedule so that we may successfully meet the needs of the Township. The Township Administrator or their designee shall designate these assignments, and when assigned, they may not be refused. Employees who believe that extenuating circumstances exist that should be taken into consideration before they are ordered to work hours exceeding their workday or week may request a review by the Township Administrator. The decision of the Township Administrator will be final.

All hours worked that exceed your normal work schedule must be approved in advance by the employee's supervisor or the Administrator. **Unapproved overtime will be paid at the overtime rate, but the failure to get approval may result in discipline for the employee.**

Premium time and overtime compensation, when authorized, shall be at a rate of 1½ times the employee's hourly **regular** rate.

Employees who are paid an hourly wage may request compensatory time in lieu of premium time and/or overtime compensation, in writing. **The granting of the request will be at the discretion of the department head. shall approve all compensatory time. If granted, comp time will be given at the rate of 1.5 hours for each overtime hour worked.** Accumulation of compensatory time shall not exceed ~~60~~ **80 hours max for the entire year,** unless approved by the Township Administrator, and shall not be carried over to the next year. **The maximum amount of comp time that can be accumulated in total is 80 hours each year and cannot be refilled after use. The maximum amount of comp time that can be used for time off will be 40 hours.** All other compensatory time unused, up to 40 hours, shall be paid at the employee's hourly **regular** rate at the time the overtime was incurred

by the first Board meeting in December of each year. **An employee's request to use comp time will be granted unless it would cause undue disruption of operations.**

~~Comp time can only be used one day at a time and may only be combined with other leaves one time (i.e. 4 days of vacation and 1 day of comp = 1 week of vacation). Comp time must be requested at least a week in advance. Comp time may be denied at the time of request due to manpower shortages.~~

For the purpose of this Policy, overtime shall be paid on all time worked in excess of the established work week (40 hours) or for hours worked over eight hours in a day, but they may not be pyramided. Hours worked in excess of eight hours in a workday will not count towards your 40-hour work week for overtime purposes. Injury leave and unpaid leave shall not count towards calculation of an employee's hours worked.

Premium time are those hours an employee works which do not exceed a normal workday, but additional compensation is paid because of the unusual time of the day in which the work is performed. Example: Snow removal outside of an employee's normal work hours (7:00 a.m. to 5:00 p.m., Monday through Sunday). The Township Administrator will designate premium time **as such**. Premium time, holiday premium pay, and overtime may not be pyramided.

ARTICLE IV. EMPLOYEE BENEFITS

SECTION C: PAID HOLIDAYS

EFFECTIVE DATE: JANUARY 2022

REVISION DATE: DECEMBER 2003, AUGUST 2017, MARCH 2022

PURPOSE:

To state what days are approved paid holidays for Township employees.

POLICY:

Below is a list of paid holidays for Symmes Township:

January 1	New Year's Day
January 3 rd Monday	Martin Luther King's Birthday
February 3 rd Monday	Presidents' Day
May, last Monday	Memorial Day*
June 19th	Juneteenth
July 4 th	Independence Day*
September 1 st Monday	Labor Day*
October 2 nd Monday	Columbus Day
November 11	Veterans' Day
November 4 th Thursday	Thanksgiving Day*
November 4 th Friday	Day after Thanksgiving
December 25 th	Christmas Day*

**Family holidays*

If the holiday falls on a Saturday, it will be observed on Friday; if a holiday falls on a Sunday, it will be observed on Monday.

Full-time and part-time regular employees are eligible for paid holidays immediately upon hire.

Part-time regular employees are eligible for holiday pay in proportion to the number of hours they normally would be scheduled to work.

Holidays listed above marked by the asterisk (*), are considered family holidays. When a non-exempt (hourly) employee is required to work any of the above days that are not designated as a family holiday, the employee shall receive holiday premium pay for each hour worked in addition to any regular rate pay the employee was due for the holiday. Holiday premium pay shall be at a rate of one and one half (1½) times the employee's hourly rate; family holiday pay shall be at a rate of two (2) times the employee's hourly rate.

Illness occurring during a holiday counts as a holiday and cannot be charged against sick leave.

Premium time, holiday premium pay, family holiday pay and overtime may not be pyramided.

ARTICLE IV: EMPLOYEE BENEFITS

SECTION D: PAID VACATION

EFFECTIVE DATE: JANUARY 2022

REVISION DATE: 12/00, 3/01, 10/01, 11/13, 8/17, 3/2022

PURPOSE:

To state the amount of paid vacation that may be earned by a regular full-time employee and a part-time regular employee (non-seasonal).

POLICY:

Full-time and part-time, regular employees are eligible for paid vacation time in accordance with the following schedule:

- After six months, five days of vacation;
- After one year, five additional days of vacation;
- After two years, 10 days of vacation;
- After five years, 15 days of vacation;
- After ten years, 20 days of vacation;
- After fifteen years, 25 days of vacation.

Credit for years of prior service with another government for purposes of determining the number of vacation days available per annum to employees will be given.

Part-time regular employees will receive vacation pay in proportion to the number of hours they normally would be scheduled to work.

Vacation is calculated according to the employee's anniversary date. After the first six months of employment, vacation time will be available to each employee on the employee's anniversary date per the above schedule.

Requests for vacation should be submitted in writing at least two weeks in advance to the supervisor. When possible, vacation periods will be assigned in accordance with employee requests, taking operating requirements into account. Generally speaking, length of employment determines priority when scheduling vacation times if vacation is submitted at the same time, but all employees shall work together to provide the proper coverage needed at the time. ***No more than 3 Service Department Employees shall be permitted to take leave on the same day.***

Up to two weeks of vacation time may be carried over into the New Year. No more than two weeks of vacation may be taken at one time. Employees should be aware of special working situations where their absence would be detrimental and attempt to avoid vacation requests for those times.

Employees will be paid for any earned but unused vacation upon termination.

ARTICLE IV.

EMPLOYEE BENEFITS

SECTION F:

SICK LEAVE

EFFECTIVE DATE:

JANUARY 2022

REVISION DATE:

10/01, 11/3/15, 12/16, 8/17. 3/22

PURPOSE:

To state the method of accumulating sick leave and leave of absence days for regular full-time and part-time regular employees of the Township.

POLICY:

Full-time and part-time, regular employees will receive 12 days per year; said days to incrementally accrue at the rate of one day per month in active pay status, including paid vacations and sick leave, but not during a leave of absence without pay, lay-off, disciplinary suspension, or while in overtime status.

Part-time, regular employees are eligible for sick days in proportion to the number of hours they normally would be scheduled to work.

Employees will not be paid for any unused sick days. However, if you do not use your sick days during the year, you may carry them into the following year. The total accrual of sick days may not exceed 180 days, with a Board buy-back of 50% of accumulated days upon an employee's retirement from Township service after a period of *at least* 10 years of employment with the Township. An employee is deemed to have retired if approved for a payment under a qualified retirement plan in accordance with the provisions of the Ohio Public Employees Retirement System. The rate of payment of unused sick leave is to be at the rate of pay in effect at the time of retirement and such payment shall only be made once to any employee.

A regular full-time or regular part-time employee may use sick leave for the following purposes:

1. In case of the employee's own illness, injury, or exposure to contagious disease.
2. To attend to members of the employee's immediate family, whose illness or injury requires the care of the Employee.
3. Medical, dental or optical examination or treatment of employee or a member of his immediate family, which requires the presence of the employee, and which cannot be scheduled during non-working hours.

Sick leave may not be used for routine childcare that does not fall into the guidelines of sick leave usage.

The term “immediate family” shall include mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, legal guardian, or other person who stands in the place of a parent (loco parentis), or other relative residing in the same household as the employee. An employee who takes sick leave because of the illness of a family member(s) may be required to submit a doctor’s certificate.

The Township Administrator may require reasonable evidence to support a claim for sick leave and ~~may~~ **shall**, in case of absence for more than three consecutive working days, require a doctor’s certificate to justify the absence, **or after 4 occurrences during the course of a calendar year. (Occurrence is defined as any use of sick time).**

When an employee is required to have a doctor’s certificate, it will be the responsibility of the employee to see that said certificate is submitted to the department head on the day the employee returns to work, but no later than the day following their return to work. Failure to submit such certificate may result in the employee not being paid for the sick days involved.

An employee shall request approval for all sick leave by submitting a Request for Time Off form either before the requested days when possible or immediately following his/her return to work.

Any employee who transfers from one public agency to another, shall be credited with the unused balance of the accumulated sick leave credit up to the maximum sick leave accumulation permitted in the public agency to which the employee transfers.

ARTICLE IV. EMPLOYEE BENEFITS

SECTION G: FUNERAL LEAVE

EFFECTIVE DATE: JANUARY 2022

REVISION DATE: 10/01, 8/17, 3/22

PURPOSE:

To state the number of days allowed for an employee to take off in the case of a death of a family member.

POLICY:

Time off for funeral leave is granted separately *but will be deducted from the sick time leave hours when used*. Full-time and part-time regular employees are eligible up to three working days of paid funeral leave in the event of the death of an immediate family member. *Funeral leave must be used at the time of death or funeral. Employees may be required to provide a copy of an obituary for the deceased.*

For purpose of this policy the “immediate family” is defined as only: mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, legal guardian or other person who stands in place of the employee’s parent (loco parentis), or other relative residing in the same household as the employee.

Employees are required to make arrangements with their supervisor prior to taking the leave time as a requirement for compensation.

ARTICLE IV. EMPLOYEE BENEFITS
SECTION H: FAMILY MEDICAL LEAVE
EFFECTIVE DATE: JANAURY 2022
REVISION DATE: 8/1/17, 3/22

PURPOSE:

The Township is not subject to ~~To state the length and conditions of leave under the Family Medical Leave Act of 1993.~~ *Nonetheless, the Township wants to provide for a similar type of leave* for a regular full-time and part-time regular employee.

POLICY:

Eligible employees who work for Employer can take up to 12 weeks of unpaid, job protected leave in a 12-month period ~~under the Family and Medical Leave Act ("FMLA").~~ Symmes Township *does not* follows the FMLA, *but will use it* and the applicable regulations promulgated by the U. S. Department of Labor *as a guide for* ~~in~~ administering this leave, *subject to the exercise of its discretion.* In brief, ~~FMLA~~ *this* leave may be taken for the following reasons:

1. The birth of a child or placement of a child for adoption or foster care;
2. To bond with a child (leave must be taken within one year of the child's birth or placement);
3. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
4. For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; or
5. For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of ~~FMLA~~ leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use this leave in a single block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule basis.

Symmes Township calculates FMLA leave based on a rolling 12-month period, and not on a calendar year or other basis.

Employees are required to use any available accrued paid leave concurrently with ~~their~~ FMLA this leave. ***Employees are automatically placed on this leave after more than 3 days of absence.***

Symmes Township will continue an employee's health insurance coverage while they are on FMLA this leave as if the employee was not on leave.

Upon return from FMLA leave, most employees will be restored to the same job, or one nearly identical to it with equivalent pay, benefits and other employment terms and conditions.

~~Symmes Township will not interfere with an individual's FMLA rights or retaliate against someone for using, or trying to use, FMLA leave. Employer will also not retaliate against anyone for opposing any practice made unlawful by the FMLA or being involved in any proceeding under or related to the FMLA.~~

To be eligible for FMLA this leave, an employee must have worked for Employer for at least 12 months and have worked at least 1250 hours in the 12 months before taking leave.

Generally, employees must give 30-days' advance notice of the need for FMLA this leave. If it is not possible to give 30-days' notice, an employee must notify the Township as soon as possible and follow the Township's usual procedures with respect to taking leave.

To support a request for FMLA this leave, employees do not have to share a medical diagnosis, but must provide enough information to the Township so it can determine if the leave qualifies for FMLA protection this leave. Symmes Township utilizes Department of Labor forms for Certification of Healthcare Provider, Notice of Eligibility, Designation Notice, and the like ***in administering this leave***. If a Certification of Healthcare Provider is incomplete, the Township will notify the employee in writing what additional information is required. Once the Township becomes aware that an employee's need for leave is for a reason that may qualify ***for this leave*** under the FMLA, the Township will notify the employee if they are eligible for FMLA this leave and, if eligible, provide a Notice of Rights and Responsibilities under the FMLA. If the employee is determined to not be eligible for FMLA this leave, the Township will provide a reason for the ineligibility. Symmes Township will also notify employees if leave will be designated as FMLA this leave ***under this policy***, and if so, how much leave will be designated as FMLA this leave.

ARTICLE IV. EMPLOYEE BENEFITS

SECTION P: UNIFORMS/SHOES

EFFECTIVE DATE: JANUARY 2022

REVISION DATE: 10/01, 4/17, 8/1/17, 3/22

PURPOSE:

To state the policy for Township supplied uniforms to employees.

POLICY:

The Township will provide appropriate uniforms to qualified employees at no charge. Proper care of these uniforms is required.

The Township will allow administrative employees to wear township uniforms with the proper slacks, capris or skirts that are khaki, black, grey, white or blue in color. A Symmes Township shirt, blazer or sweater must be worn at all times during the week. The Township will allow the administrative employees to wear denim jeans on Fridays as long as a Symmes Township shirt is worn with it. Prohibited pants materials shall include: leotards, yoga pants, stretch pants, leggings, jeggings, casual shorts or pants with any type of print material on them.

Uniforms, accessories and nametags issued by the Township must be returned in good condition upon leaving the Township. Full-time employees who voluntarily or involuntarily leave the employment of the Township within six months after being equipped with initial uniform apparel shall have the costs of that apparel deducted from their final payroll check(s), or shall be billed for such costs, at the discretion of the Township.

The Township will provide qualified employees the cost of one pair of safety shoes each year as needed up to ~~an amount to be determined by the Township Administrator~~ ***One Hundred Seventy-Five Dollars at the time of their anniversary with the township.***

The Township will provide a reimbursement up to \$150.00 to all employees who have purchased pants to comply with the new uniform policy.