

RECORD OF ORDINANCES

Ordinance No. 2024-O-05 Passed March 5, 2024
YEAR

VILLAGE COUNCIL OF GREENWICH, OHIO ORDINANCE NO.: 2024-O-05

AN ORDINANCE AMENDING SECTION 252.07 OF THE GREENWICH CODIFIED MUNICIPAL CODE OF ORDINANCES AND AMENDING GUIDELINES FOR RECORDKEEPING FOR HOURS WORKED AND OVERTIME AND DECLARING AN EMERGENCY

WHEREAS, Village Council would like to amend Village Guidelines for Recordkeeping for hours worked and overtime to permit overtime for the Village Administrator and Chief of Police; and

WHEREAS, Village Council also desires to address accumulated overtime for the Fiscal Officer; and

WHEREAS, Section 252.07 of the Greenwich Codified Municipal Code of Ordinances currently reads:

252.07 GUIDELINES FOR RECORDKEEPING AND COMPILATION OF INFORMATION FOR HOURS WORKED AND OVERTIME.

The following guidelines shall govern Village employees:

(a) The work week for full time employees is a regularly recurring period of 168 hours in the form of seven consecutive twenty-four hour periods. A work week shall be Saturday through Friday.

(b) The pay period for all Village employees consists of two consecutive work weeks.

(c) Extra pay at a rate of one and one-half times the employee's regular hourly base rate will be granted for time beyond the normal forty hours worked. All employees "comp" time is one and one-half time the hourly rate of pay. "Hours worked" includes all time that an employee is required to be on duty, or on the employer's premises, or at a prescribed work place for the employer, and all time during which the employee is suffered or permitted to work for the employer. Excluded from hours worked are sick leave, holidays, vacations and personal leave. An employee will not be entitled to extra pay/comp time unless authorized in advance by the employee's supervisor. For the Chief of Police, Village Administrator and fiscal officer, the supervisor is the Mayor.

(d) Periods during which a Village employee is completely relieved from duty and may leave the job, and which are long enough to enable the employee to use the time effectively for his or her own purposes, are not hours worked.

(e) When an employee is called out on a job assignment, employee will be paid a minimum of two hours pay.

(f) In order to comply with FLSA requirements, the Village will use a form of time-management when feasible. With such a plan, the Village may lay off an employee for a sufficient number of hours during some other week of the pay period so that the desired wage for the pay period covers the total amount of compensation, including the overtime compensation, due the employee for each work week taken separately. Use of a time-management plan by the Village does not permit the average of work hours between work weeks.

For the Chief of Police, Village Administrator and fiscal officer only, it may be impossible to require the employee to be laid off during the same pay period. Thus those employees may accumulate "comp time" which must be used by being laid off within ninety days of the end of the pay period in which the "comp time" is earned. The employee may accumulate "comp time" to maximum of eighty hours. The employee must give reasonable advance notice to the Village specifying when "comp time" will be taken. The head of department and/or the Mayor reserves the right to deny or limit the use of "comp time" if its use will create an undue hardship to Village operations. If the full-time nonexempt employee has not utilized "comp time" within two pay periods, the unused "comp time" shall be paid to the employee as provided for in subsection (c) hereof. For the Chief of Police, Village Administrator and Fiscal Officer, any unused "comp time" shall be forfeited if not used within ninety days of accumulation.

(g) In order to use the time-management plan, all Village employees, excluding exempt employees, will have their salary converted to an hourly wage. (The total salary of an employee divided by 2,080 hours will yield the employee's hourly rate.)

(h) Certain records must be kept in accordance with the FLSA. Employers are required to keep records on wages, hours and other items listed in the recordkeeping regulations (29 C.F.R., Part 156). Records of the required information must be preserved for three years. Some supplementary items, such as time cards, piecework tickets and order and shipping records, need be kept for only two years. Some of the specific recordkeeping items required by Part 156 are the following:

- (1) The name of the employee in full;
 - (2) His or her home address, including the zip code;
 - (3) His or her date of birth, if he or she is under nineteen;
 - (4) His or her sex and occupation;
 - (5) The time of day and the day of the week on which the employee's work week begins;
 - (6) The regular hourly rate of pay in any work week in which an overtime premium is due, and the basis of the wage payment (such as "\$5.00/hr.," "\$40.00/day," "\$200.00/wk. plus five percent commission").
 - (7) The daily and weekly hours of work;
 - (8) The total daily or weekly straight-time earnings;
 - (9) The total overtime compensation for the work week;
 - (10) The total additions to or deductions from wages paid;
 - (11) The total wages paid each pay period; and
 - (12) The date of payment and the pay period covered by such payment.
- (i) The Village will display the minimum wage poster, WH Publication 1088, where Village employees may readily see it. (Ord. 2022-10. Passed 9-20-22.)

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO: (RC 731.18)

SECTION 1. AMEND. That Section 252.07 of the Greenwich Codified Municipal Code of Ordinances is hereby amended as follows:

252.07 GUIDELINES FOR RECORDKEEPING AND COMPILATION OF INFORMATION FOR HOURS WORKED AND OVERTIME.

The following guidelines shall govern Village employees:

(a) *The work week for full time employees is a regularly recurring period of 168 hours in the form of seven consecutive twenty-four hour periods. A work week shall be Saturday through Friday.*

(b) *The pay period for all Village employees consists of two consecutive work weeks.*

(c) *Extra pay at a rate of one and one-half times the employee's regular hourly base rate will be granted for time beyond the normal forty hours worked. All employees "comp" time is one and one-half time the hourly rate of pay. "Hours worked" includes all time that an employee is required to be on duty, or on the employer's premises, or at a prescribed work place for the employer, and all time during which the employee is suffered or permitted to work for the employer. Excluded from hours worked are sick leave, holidays, vacations and personal leave. An employee will not be entitled to extra pay/comp time unless authorized in advance by the employee's supervisor. For the Chief of Police, Village Administrator and fiscal officer, the supervisor is the Mayor.*

(d) *Periods during which a Village employee is completely relieved from duty and may leave the job, and which are long enough to enable the employee to use the time effectively for his or her own purposes, are not hours worked.*

(e) *When an employee is called out on a job assignment, employee will be paid a minimum of two hours pay.*

(f) *In order to comply with FLSA requirements, the Village will use a form of time-management when feasible. With such a plan, the Village may lay off an employee for a sufficient number of hours during some other week of the pay period so that the desired wage for the pay period covers the total amount of compensation, including the overtime compensation, due the employee for each work week taken separately. Use of a time-management plan by the Village does not permit the average of work hours between work weeks.*

~~*For the Chief of Police, Village Administrator and fiscal officer only, it may be impossible to require the employee to be laid off during the same pay period. Thus those employees may accumulate "comp time" which must be used by being laid off within ninety days of the end of the pay period in which the "comp time" is earned. The employee may accumulate "comp time" to maximum of eighty hours. The employee must give reasonable advance notice to the Village specifying when "comp time" will be taken. The head of department and/or the Mayor reserves the right to deny or limit the use of "comp time" if its use will create an undue hardship to Village operations. If the full-time nonexempt employee has not utilized "comp time" within two pay periods, the unused "comp time" shall be paid to the employee as provided for in subsection (c) hereof. For the Chief of Police, Village Administrator and Fiscal Officer, any unused "comp time" shall be forfeited if not used within ninety days of accumulation.*~~

1. All salaried "exempt" employees may accumulate "comp time" for hours worked above forty (40) hours during any week. "Comp time" may be accumulated up to a maximum of eighty hours.

- A. All requests for the use of "comp time" shall be made to the employee supervisor. No comp time will be permitted unless approved by the

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supervisor. Approval of the use of "comp time" shall be at the sound discretion of the supervisor. The supervisor shall deny or limit the use of "comp time" if its use may create practical difficulties or undue hardship to Village operations resulting in significant difficulty or expense.

B. Any "comp time" accumulated above eighty (80) hours shall be forfeited.

2. VILLAGE ADMINISTRATOR. If the Village Administrator has not utilized "comp time" within ninety days of the end of the pay period in which the "comp time" is earned, then the unused "comp time" shall be paid to the employee as provided for in subsection (c) hereof.
3. CHIEF OF POLICE. If the Chief of Police has not utilized "comp time" within ninety days of the end of the pay period in which the "comp time" is earned, then the unused "comp time" shall be paid to the employee as provided for in subsection (c) hereof.
4. FISCAL OFFICER. It may be impossible to require the Fiscal Officer to be laid off during the same pay period in which "comp time" is earned. Thus, the Fiscal Officer may accumulate "comp time" which must be used within ninety days of the end of the pay period in which the "comp time" is earned. Any unused "comp time" shall be forfeited if not used within ninety days of accumulation.

(g) In order to use the time-management plan, all Village employees, excluding exempt employees, will have their salary converted to an hourly wage. (The total salary of an employee divided by 2,080 hours will yield the employee's hourly rate.)

(h) Certain records must be kept in accordance with the FLSA. Employers are required to keep records on wages, hours and other items listed in the recordkeeping regulations (29 C.F.R., Part 156). Records of the required information must be preserved for three years. Some supplementary items, such as time cards, piecework tickets and order and shipping records, need be kept for only two years. Some of the specific recordkeeping items required by Part 156 are the following:

- (1) The name of the employee in full;
- (2) His or her home address, including the zip code;
- (3) His or her date of birth, if he or she is under nineteen;
- (4) His or her sex and occupation;
- (5) The time of day and the day of the week on which the employee's work week begins;
- (6) The regular hourly rate of pay in any work week in which an overtime premium is due, and the basis of the wage payment (such as "\$5.00/hr.," "\$40.00/day," "\$200.00/wk. plus five percent commission").
- (7) The daily and weekly hours of work;
- (8) The total daily or weekly straight-time earnings;
- (9) The total overtime compensation for the work week;
- (10) The total additions to or deductions from wages paid;
- (11) The total wages paid each pay period; and
- (12) The date of payment and the pay period covered by such payment.

(i) The Village will display the minimum wage poster, WH Publication 1088, where Village employees may readily see it.

(Ord. 2022-10. Passed 9-20-22.)

SECTION 2. AMENDMENTS. That any amendments herein are indicated with additions appearing in **bold and underline** and deletions appearing in **bold and strikethrough**.

SECTION 3. EFFECT. That this Ordinance shall take effect as of the first regular pay period beginning

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retroactively on February 20, 2024.

SECTION 4. RETROACTIVE. That Council expressly intends the amendments adopted herein to operate retrospectively pursuant to Section 1.48 of the Ohio Revised Code.

SECTION 5. CODIFICATION. That the Council Clerk is hereby directed to submit the amendments herein to the codification service for the Village.

SECTION 6. DISPENSE WITH THREE READINGS. That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 705.15 and 731.17(A)(2)]

SECTION 7. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this legislation is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

To be in effect retroactively on 2/20/2024.

SECTION 8. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this legislation were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 5 day of March, 2024.

ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by R.C. 731.17.

Jan M. Jendrick
MAYOR

Shellie Cherry
FISCAL OFFICER

LEGISLATION READINGS ORC 731.17(A)

- (1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.
(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

First Reading: 3/5/24 Second Reading: 3/5/24 Third Reading: 3/5/24

ROLL CALL VOTE ORC 731.17(A)(3)

The vote on the passage was taken by yeas and nays and entered upon the journal. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority. Yeas, nays, abstentions, excused or absent votes were recorded as follows:

Yes
Mike King

Yes
Randy Wilson

Yes
Lynne Phillips

Yes
Jason Hunter

Yes
Regina Lueck

Yes
Dorene Beverly

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PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:


VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF PUBLICATION

ORC 731.21 and 731.22

Pursuant to ORC 731.21(A)(3), I hereby certify that a succinct summary of the above legislation was/will be published using the following method: **ON THE WEBSITE AND SOCIAL MEDIA ACCOUNT OF THE MUNICIPAL CORPORATION**

The succinct summary was reviewed by the village solicitor as required by ORC 731.21(B). Publication was/will be made at least once a week for two consecutive weeks as required by ORC 731.22.


FISCAL OFFICER