

ORDINANCE RECORD

VILLAGE OF NEWBURGH HEIGHTS, OHIO

ORDINANCE NO. 2021-25

INTRODUCED BY: Mayor Elkins

AN ORDINANCE AMENDING THE VILLAGE PERSONNEL POLICY MANUAL, AND DECLARING AN EMERGENCY.

WHEREAS, the United States Congress passed the Juneteenth National Independence Day Act, making June 19th a national holiday;;

WHEREAS, Juneteenth marks the day when federal troops arrived in Galveston, Texas, on June 19, 1865, to ensure that African Americans still enslaved were freed following the signing of the Emancipation Proclamation and the end of the Civil War;

WHEREAS, the advance by Union Army General Gordon Granger came 30 months and 19 days after President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, which had declared "all persons held as slaves within any State, or designated part of the State, the people whereof shall be in rebellion against the United States, shall be then, thenceforward, and forever free;

WHEREAS, the acknowledgment and observance of Juneteenth recognizes the pride of a people who have survived, endured and succeeded in these United States of America despite slavery;

WHEREAS, the acknowledgment and observance is one more small step toward a society that provides full access to all persons to justice, freedom and equality;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, OHIO THAT:

Section 1. Village Council hereby amends Personnel Policy Manual Section 405 entitled "Holidays" to read in its entirety as follows:

405 HOLIDAYS

The Village of Newburgh Heights will grant holiday time off to all full-time employees on the holidays listed below. Part-time employees are not eligible to receive holiday benefits.

New Year's Day (January 1)

Martin Luther King Jr. Day (third Monday in January)

Memorial Day (last Monday in May)

Juneteenth (June 19)

Independence Day (July 4)

Labor Day (first Monday in September)

Thanksgiving Day (fourth Thursday in November)

Friday after Thanksgiving

Christmas Eve (December 24)
Christmas Day (December 25)
Election Day** (see below)

Full-time employees shall be paid the equivalent number of hours of paid Holiday time for each holiday based on an 8 hour shift schedule, but not including any overtime hours worked. For example, an employee who normally works an eight hour shift, and works a twelve-hour shift on a holiday will receive eight hours of paid Holiday time as paid-time-off in addition to compensation for the twelve-hour shift.

** Notwithstanding the foregoing, on a day on which any local, state or federal primary, general or special election is scheduled with respect to which any full-time employee has the right to cast his/her vote, such employee shall be permitted to take up to two (2) hours of paid time off for the purpose of casting their vote in such election. Prior to receiving payment for Election Day hours, any employee who takes paid time off under this Election Day policy shall be required to provide a written statement, in a form approved by the Village, to the Village's Fiscal Officer that the employee voted in the election in question. The Village reserves the right to verify such statement by requesting proof from the applicable local Board of Elections. Any false statement made hereunder by an employee shall constitute grounds for discipline up to and including termination of employment.

The Village will grant paid holiday time off to all eligible employees who have completed thirty (30) calendar days of service in an eligible employment classification and who meet the following mandatory attendance requirements: (i) the employee shall have worked a minimum of $\frac{1}{2}$ of a shift (4 hours) on the work day immediately preceding the Holiday, unless the employee takes a vacation day on the immediately preceding work day, in which case the employee shall be required to have worked a minimum of $\frac{1}{2}$ of a shift (4 hours) on the work day immediately preceding any vacation day(s); and (ii) the employee shall have worked a minimum of $\frac{1}{2}$ of a shift (4 hours) on the work day immediately following the Holiday, unless the employee takes a vacation day on the work day immediately following the Holiday, in which case the employee must work a minimum of $\frac{1}{2}$ of a shift on the work day immediately following any such vacation day(s). By way of example only, if a Holiday falls on a Monday, the employee must work on the Friday immediately preceding and the Tuesday immediately following the Holiday, unless the employee takes a vacation day on, for example, the Tuesday following the Holiday, in which case the employee must work the Friday immediately preceding the Holiday and the Wednesday immediately following the Holiday and the vacation day.

Holiday pay will be calculated based on the employee's straight pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's use of paid vacation time off, the holiday pay will be provided instead of the vacation benefit that would otherwise have applied, provided that the employee meets the mandatory attendance requirements for Holiday pay as set forth above.

If an eligible nonexempt employee works on a recognized holiday, he or she will receive wages at one and one-half times his/her straight-time rate for the hours worked on the holiday. Additionally, the employee shall receive holiday pay at the time that the holiday is taken pursuant to this section.

Refer to Ordinance Records for policy on Service Department, Fire Department, and Police Department overtime pay with regard to working on a holiday.

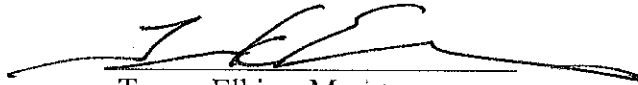
Any full-time police officer that does not work on a recognized holiday as listed herein, shall receive eight (8) hours of straight time pay at the officer's regular hourly rate.

Any full-time police officer that works on one of the recognized holidays as listed herein, shall receive compensation at the rate of one and one-half (1.5) of his/her usual rate of pay, in addition to receiving eight (8) hours of straight time pay at the officer's regular hourly rate.

Section 2. It is hereby 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

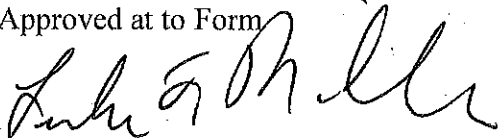
Section 3. This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the Village of Newburgh Heights for the purpose of implementing policies that promote issues of equity and justice as soon as possible; wherefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: July 20, 2021

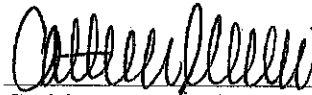


Trevor Elkins, Mayor
Village of Newburgh Heights, Ohio

Approved at to Form



Solicitor



Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 7/20/21
2ND Reading: 7/20/21
3RD Reading: 7/20/21