

ORDINANCE RECORD
VILLAGE OF NEWBURGH HEIGHTS, OHIO

ORDINANCE: 2021-46

Introduced by: Mayor Elkins and All of Council

AN ORDINANCE CONSOLIDATING THE PAY, REMUNERATION AND BENEFITS PROVISIONS FOR ALL POLICE DEPARTMENT PERSONNEL, AND AMENDING OR REPEALING, AS APPLICABLE, ALL ORDINANCES OR PROVISIONS THEREIN THAT ARE INCONSISTENT WITH THE PAY, REMUNERATION, AND BENEFITS SCHEDULES ADOPTED HEREBY, AND DECLARING AN EMERGENCY.

WHEREAS, for purposes of competitively compensating personnel, the Village wishes to amend prior compensation packages; and

WHEREAS, the Chief of Police has expressed concerns regarding the department's ability to recruit new personnel and retain current officers as a result of historically low police academy enrollments; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, CUYAHOGA COUNTY, OHIO, two-thirds of all the members elected thereto concurring, that:

Section 1. Police Department personnel shall receive pay, remuneration and benefits in accordance with the pay schedule attached as Exhibit A, the terms of which are incorporated herein by reference as if fully rewritten.

Section 2. That it is 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 action, were in open meetings for the public, in compliance with all legal requirements, including Section 1231.22 of the Ohio Revised Code.

Section 3. That this Ordinance be, and hereby is declared to be an emergency measure, the emergency being the need to provide administrative clarity to police personnel pay rates, for ease of administration.

WHEREFORE, this ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: December 7, 2021

Approved at to Form

John S. Miller

Solicitor

Trevor Elkins

Trevor Elkins, Mayor
Village of Newburgh Heights, Ohio

Cathleen Nagorski

Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 12/7/21

2ND Reading: 12/7/21

3RD Reading: 12/7/21

EXHIBIT A

PAY/REMUNERATION

Chief of Police

\$82,000 salary commencing with the first full pay period after January 1, 2019; increasing 3% annually with the first full payroll period commencing after January 1, 2020, 2021, 2022, and 2023.

In addition to the fixed salary, the Chief of Police shall be paid at the hourly rate of time and ½ for the performance of the duties of a FT Patrolman when worked above and beyond the standard forty (40) hour work week. The Chief of Police shall be eligible for compensatory time for hours worked for the duties of a FT Patrolman as a result of staffing shortages. This overtime provision shall remain in effect until March 31st, 2022.

FT Lieutenant

Rate of pay:

\$34.50/hour upon appointment.
\$36.00/hour (Year 2 of service)

All increases occur with the first full payroll period following the employee's annual anniversary date.

PT Lieutenant

Newly appointed PT Lieutenants shall receive \$22.00 per hour.

FT Sergeant

Rate of pay:

\$29.50/hour upon appointment.
\$31.00/hour (Year 2 of service)
\$32.50/hour (Year 3 of service)

All increases occur with the first full payroll period following the employee's annual anniversary date.

FT Patrolman

Rate of pay:

Police Academy Cadets

(A graduating academy cadet within the past 12 months with no previous law enforcement commission)

Class D - \$23.50/hour (Year 1 of service)

- Upon appointment and execution of a three-year commitment agreement, Class D Police Academy Cadets receive a \$5,000 stipend.
- After completion of year 3 of employment (having attained the classification of Class A Existing Officer), cadets hired on or after 11/1/2021 are eligible for an additional \$5,000 commitment stipend upon execution of a second three-year commitment agreement.
- All Class D Police Academy Cadets become Class C Existing Officers after successful completion of 1 year probation.

Existing Officers

(Full-time police officers employed by the Village of Newburgh Heights as of 10/19/21)

Class D - \$24.00/hour (Less than 1 year of service)

Class C - \$25.00/hour (Year 2 of service)

Class B - \$26.50/hour (Year 3 of service)

Class A - \$28.00/hour (Year 4 of service)

New Hires

(Full-time officers that do not qualify as cadets or lateral transfers)

Class D - \$23.50/hour (Less than 1 year of service)

Class C - \$25.00/hour (Year 2 of service)

Class B - \$26.50/hour (Year 3 of service)

Class A - \$28.00/hour (Year 4 of service)

(For part-time NHPD patrolmen appointed to full-time, service credit based on number of hours worked shall be considered for years of service. For example: A NHPD part-time patrolman that has worked 10,900 hours in their part-time career and is then appointed as a full-time patrolman shall be considered a Class A full-time patrolman)

Lateral Transfers

(Full-time officers leaving a full-time commission to transfer the full-time commission to the Village of Newburgh Heights)

Class C - \$25.00/hour (Less than 3 years of full-time service at time of transfer)

Class B - \$26.50/hour (3-4 years of full-time service at time of transfer)

Class A - \$28.00/hour (5+ years of full-time service at time of transfer)

- Upon appointment and execution of a three-year commitment agreement, Lateral Transfer Full-time Patrolmen receive a \$5,000 stipend.

All increases occur with the first full payroll period following the employee's annual anniversary date.

FT Photo Enforcement Officer

Rate of pay:

Class B - \$28.50/hour (Less than 4 years of service)

Class A - \$29.50/hour (Year 5 of service)

All increases occur with the first full

payroll period following the employee's annual anniversary date.

PT Patrolman

Rate of pay:

\$20.00/hour(Year 1 of service)

\$20.50/hour(Year 2 of service)

\$20.75/hour (Year 3 of service)

\$21.00/hour (Year 4 of service)

All increases occur with the first full payroll period following the employee's annual anniversary date.

FT Police Administrative Assistant

Full-time shall be considered thirty-two (32) hours per week. New hires shall have a starting rate of \$18.75 per hour, increasing to \$19.38 per hour with the first full payroll period commencing after the completion of six (6) months of employment as a FT Police Administrative Assistant; increasing to \$20.00 per hour with the first full payroll period commencing after the completion of twelve (12) months of employment as a FT Police Administrative Assistant; increasing to \$20.63 per hour with the first full payroll period commencing after the completion of eighteen (18) months of employment as a FT Police Administrative Assistant; thereafter increasing on a one-time basis by 2% per hour with the first full payroll period commencing after the completion of thirty-six (36) months of employment as a FT Police Administrative Assistant. These rates of pay shall be effective with the first full payroll pay period following March 1, 2020.

PT Police Administrative Assistant

New hires shall have a starting rate of \$15.00 per hour, increasing to \$15.50 per hour with the first full payroll period

commencing after the completion of twelve (12) months of employment as a PT Police Administrative Assistant; increasing on a one-time basis by 3% per hour with the first full payroll period commencing after the completion of twenty-four (24) months of employment as a PT Police Administrative Assistant.

CLOTHING ALLOWANCE

To be used toward the purchase of uniforms and equipment not covered herein, the following payments will be issued to employees:

Fulltime police officers	\$500.00 annually
Fulltime photo enforcement officers	\$500.00 annually
Part-time police officers	\$325.00 annually
FT Police Admin Assistant	\$200.00 annually
PT Police Admin Assistant	\$100.00 annually

All fulltime police officers will receive an annual payment of \$500.00. to be used toward the purchase of uniforms and equipment not covered herein. Payments will be included as a portion of the total remuneration to the employee when year-end tax documents (W-2 or applicable) are provided to the employee.

New hires (FT or PT) shall receive a clothing allowance purchase order for the immediate acquisition of required attire and gear. Failure to complete 90 days of employment shall result in the obligation to reimburse the Village for any clothing allowance expended, enforceable by the Village in accordance with law, including, but not limited to, by a payroll garnishment in the amount of the clothing allowance expended.

Officers receiving clothing allowance purchase orders in the months of October, November, December or January, or portion of February immediate preceding the clothing allowance disbursement shall not receive the clothing allowance payroll disbursement that year.

Effective 1/1/2021, the Chief of Police shall solicit bids for the provision of the following uniform requirements that shall be paid for by the Village of Newburgh Heights:

Effective 1/1/2021 and each year thereafter, all fulltime police officers will receive their annual clothing allowance disbursement as noted above. In addition and at the discretion of the chief of police, shall be issued the following clothing items.

- Three (3) long sleeve shirts

Three (3) short sleeve shirts
 Three (3) pairs of pants

Effective 1/1/2021 and each year thereafter, all part-time police officers will receive their annual clothing allowance disbursement as noted above. In addition and at the discretion of the chief of police, shall be issued the following clothing items.

One (1) long sleeve shirt
 One (1) short sleeve shirt
 One (1) pair of pants

Effective 1/1/21 and every five years thereafter, all police officers (fulltime and part-time) will receive the following:

One (1) reversible jacket
 One (1) raincoat

Effective 1/1/21, all newly appointed fulltime police officers will receive a dress uniform to include a jacket, shirt and pants. This is a one-time acquisition.

All uniforms issued are the property of the village and must be returned upon separation from service. Items that become worn, dated or unusable shall be replaced at the discretion of the chief of police.

HEALTH AND HOSPITALIZATION BENEFITS

Chief of Police	Yes
FT Lieutenant	Yes
FT Sergeant	Yes
FT Corporal	Yes
FT Patrolman	Yes
FT Photo Enforcement Officer	Yes
PT Patrolman	No
PT Lieutenant	No
FT Police Administrative Assistant	Yes
PT Police Administrative Assistant	No

EDUCATIONAL REQUIREMENTS

All full-time Newburgh Heights police officers appointed or promoted to a position with(in) the Newburgh Heights Police Department after the adoption of Ordinance 2020-51 must either begin the position with a minimum of an Associate's Degree from an accredited academic institution or obtain an Associate's Degree in a program approved by the Safety Director of the Village of Newburgh Heights within five (5) years of starting the position of employment.

At the time of adoption of Ordinance 2020-51 , all currently-employed full-time Newburgh Heights police officers who do not currently have an associates degree or greater from an accredited academic institution shall obtain a minimum of an Associate's Degree in a program approved by the Safety Director of the Village of Newburgh Heights within seven (7) years of adoption of Ordinance 2020-51, and no fewer than five (5) years from the date of enrollment in an approved program.

All part-time Newburgh Heights police officers appointed to a position with the Newburgh Heights Police Department after the adoption of Ordinance 2020-51 must either begin the position with a minimum of an Associate's Degree from an accredited academic institution or obtain an Associate's Degree in a program approved by the Safety Director of the Village of Newburgh Heights within five (5) years of starting employment.

At the time of adoption of Ordinance 2020-51, all currently-employed part-time Newburgh Heights police officers shall obtain a minimum of an Associate's Degree in a program approved by the Safety Director of the Village of Newburgh Heights within seven (7) years of adoption of Ordinance 2020-51 and no fewer than five (5) years from the date of enrollment in an approved program, or shall be required to attend a minimum of 32 hours of continuing education at the direction of the Chief of Police on an annual basis commencing in calendar year 2021. Once a part-time officer elects to enter the degree program, they shall be required to complete the program within five (5) years and are no longer eligible to participate in or return to the annual continuing education program track as a manner of meeting the Village of Newburgh Heights Police educational requirement.

At the time of adoption of Ordinance 2020-51, all currently employed Newburgh Heights police officers aged fifty (50) years or older shall be exempt from these continuing education requirements. All officers aged fifty (50) years or older hired after the adoption of 2020-51, shall be exempt from these continuing education requirements.

The Village of Newburgh Heights shall pay the tuition expense of the officer. At the discretion of the Chief of Police, this may include book expenses and lab fees or other class associated expenses.

The Village of Newburgh Heights shall pay the officer enrolled in the Associate's Degree educational program track a stipend in an amount as follows per class completed:

- Each class completed with a grade of 4.0 or equivalent shall receive \$855.00
- Each class completed with a grade of 3.0 – 3.99 or equivalent shall receive \$425.00
- Each class completed with a grade of 2.0 – 2.99 or equivalent shall receive \$200.00

Stipends shall be paid on the second (2nd) payroll of June and the second (2nd) payroll of December for eligible officers.

All officers shall receive a 2% per hour rate of pay increase upon successful completion of an approved Associate's Degree program beginning with the first full payroll period following the

official end of the graduating semester. This rate of pay increase shall not apply to the Chief of Police.

All newly appointed officers to the Newburgh Heights Police Department beginning employment with an Associate's Degree in Criminal Justice or a related degree approved by the Safety Director of the Village of Newburgh Heights shall receive compensation at the rate of 2% per hour greater than the prescribed pay schedule outlined above. This rate of pay increase shall not apply to the Chief of Police.

Failure to meet the educational requirements shall be a Group III offense under Village of Newburgh Heights Personnel Policy Manual Section 822 and shall result in disciplinary action, up to and including termination of employment.

At all times, all police officers shall be obligated to meet the continuing education requirements established by the State of Ohio to maintain an active, valid police officer commission.

BODY ARMOR

A sworn officer shall be afforded up to \$750 for Level III body armor purchased any time after at appointment of sworn officer. However, no disbursement will be made to an officer who, prior to becoming a sworn officer for the Village, who has previously been provided with body armor or disbursement by the Village within the preceding five (5) years.

Sworn officers will have two options for the acquisition of a vest as follows:

1. The Village pays for up to \$750 for the acquisition of the vest. If the officer leaves the department for any reason he/she will have to repay the village for the vest based upon the following scale:

Zero to 3 months = 100% of cost of vest*

3 to 6 months = 75% of cost of vest*

6 to 9 months = 50% of cost of vest*

9 to 12 months = 25% of cost of vest*

After 12 months the officer does not have to repay the village.

* All percentages will be rounded to the nearest dollar.

2. As an alternative, officers can receive a one-time payment of \$350 toward the acquisition price of a vest with no repayment requirements after 90 days of employment. If an officer leaves the department within 90 days for any reason he/she will have to repay the \$350 to the Village. Officers selecting this option will have to demonstrate proof of purchase on or after date of appointment as a sworn officer in order to receive payment.

EMERGENCY CALL AND COURT TIME

All sworn officers, except the Chief of Police, shall be compensated for a minimum of two (2) hours of time for any court appearance or call-out to an emergency in connection with which the officer is not working a scheduled shift.

VACATION BENEFIT

The Chief of Police shall receive eighty (80) hours of paid vacation annually in addition to the earned vacation benefit outlined in Section 403 of the Village Personnel Policy Manual, commencing with the first full payroll after January 1, 2019.

SHORT-TERM VACATION BENEFIT

~~Full-time Lieutenants, Sergeants, Corporals, and Patrolmen, shall earn short-term vacation time.~~

~~Short-term vacation time shall be earned on a weekly basis by multiplying the number of hours reported for compensation (For example: hours worked, sick time, personal time, bereavement time, vacation time, etc.) by 0.25/hours. These hours then must be applied to that employee's payroll for compensation in that week of that pay period in which they are earned. Short-term vacation time hours not used are forfeited.~~

~~Short-term vacation time hours may only be compensated at straight time.~~

~~No more than 8 short-term vacation time hours may be accrued in any week.~~

~~Parental leave hours are not eligible for calculation of short-term vacation time hours. Personnel utilizing parental leave hours shall be required to use parental leave hours, less any short-term vacation time hours accrued in that given pay period, toward meeting the 40 hours of compensation for that week of that pay period.~~

~~In a week where the employee works more than 32 hours but not more than 40 hours, the rate of pay for hours more than 32 but not more than 40 shall be calculated at a premium rate of 1.25% of their regular pay rate.~~

~~In a week in which an employee earns premium rate, the employee is only eligible to use the number of hours of accrued short-term vacation time necessary to compensate the employee for up to 40 hours in that week.~~

~~Eligible employees shall begin accruing short-term vacation time commencing with the first full payroll pay period following March 1, 2020.~~

Commencing with the beginning of the first full payroll period of July 2021, Full-time Lieutenants, Sergeants, Corporals, and Patrolmen will no longer be eligible for short-term vacation benefit and shall resume a standard forty (40) hour work week schedule as assigned by the Chief of Police.

OVERTIME

Overtime shall be governed by the terms of the village personnel policy manual and the Fair Labor Standards Act and shall be calculated based on the requirement of a 40-hour work week.

Part-time patrolmen shall receive double time for working holidays as defined by the village personnel policy manual.

~~Officers working additional grant-funded operation hours beyond 32 hours in a week shall be paid at a rate of one and one-half (1.5) time of their regular rate of pay for hours worked as part of the operation. No short-term vacation benefit shall be accrued for these hours.~~

PROBATIONARY PERIOD

All sworn officers shall be hired with a one (1) year probationary period. The probationary period may be extended for up to one (1) additional year with an affirmative vote of Council upon the recommendation of the Mayor.

CONDUCT

All sworn officers' conduct and discipline shall be governed by the Village Personnel Policy Manual, any Village policy, any Village of Newburgh Heights Police Department policy or standard operating procedure, and applicable law.

DISCIPLINE/TERMINATION

Any discipline and/or termination of employment for cause shall be handled in a manner consistent with Ohio law.

VACCINATION POLICY

In order to provide a workplace that is safe and free from known hazards, and in acknowledgement that the job requirements for a police officer include, from time to time, close interaction with the general public, entry into private domiciles, and entry into public or private buildings, all Police Department Personnel shall maintain and/or receive reasonably available vaccinations against infectious disease, where public risk may be reduced by vaccination, as determined by the Safety Director of the Village of Newburgh Heights. This policy shall be effective for all appointments made following the adoption of Ordinance 2021-20 and subject to applicable law or exceptions based on sincerely held religious beliefs and/or a documented medical condition that precludes such vaccination.

COMMITMENT AGREEMENT

All classes as determined above employed by the Village of Newburgh Heights upon adoption of this Ordinance or hired thereafter, shall be paid a commitment stipend of \$5,000.00 upon execution of an agreement with the Village of Newburgh Heights to remain a full-time employee of the Village of Newburgh Heights for a minimum of three (3) years from the execution of the agreement. The mayor shall be authorized to create and execute all agreements deemed necessary to implement the re-commitment bonus program. To be eligible for the re-commitment bonus, the employee must be fully vaccinated as required by Newburgh Heights ordinance, resolution, policy, or order at, or before, the time of payment.