

**ORDINANCE RECORD****VILLAGE OF NEWBURGH HEIGHTS, OHIO****ORDINANCE NO. 2022-45****INTRODUCED BY:** Mayor Traore

**AN ORDINANCE AMENDING ORDINANCE 2022-08 RELATING TO THE PAY, REMUNERATION AND BENEFITS OF POLICE PERSONNEL BY ELIMINATING THE EDUCATIONAL REQUIREMENTS MANDATE SET FORTH THEREIN, AND DECLARING AN EMERGENCY.**

WHEREAS, the Village wishes eliminate the mandate that all Village police officers obtain an associates' degree or greater within certain established time periods; and

WHEREAS, the Village wishes to grandfather current police-officer-enrollees in associates' degree programs, as more fully set forth herein;

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

Section 1. The Village Council hereby amends Ordinance 2022-08 by amending Exhibit A thereto, which shall hereafter be in the form set forth in Schedule 1 attached hereto, a copy of which is attached hereto and which is incorporated herein by reference as if fully rewritten.

Section 2. Existing Exhibit A to Ordinance 2022-08 is hereby repealed and replaced by Schedule 1 hereto.

Section 3. In the event that the term and conditions of this ordinance are inconsistent with the terms and conditions of any other ordinance previously enacted, the terms and conditions of this ordinance shall be controlling.

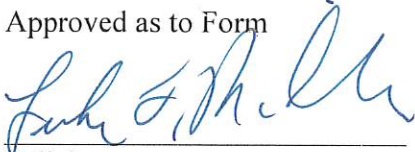
Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village, so that the police officers are immediately relieved of the educational requirement mandates

previously established; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

PASSED: September 20, 2022

Approved as to Form



Solicitor



Gigi Traore, Mayor  
Village of Newburgh Heights, Ohio



Cathleen Nagorski, Fiscal Officer  
Village of Newburgh Heights, Ohio

1<sup>ST</sup> Reading: 6.7.2022  
2<sup>ND</sup> Reading: 7.19.2022  
3<sup>RD</sup> Reading: 9.20.2022

## SCHEDULE 1

## EXHIBIT A

**PAY/REMUNERATION**

Chief of Police	<p>\$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.</p> <p>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 31<sup>st</sup>, 2022.</p>
FT Lieutenant	<p>Rate of pay:</p> <p>\$34.50/hour upon appointment. \$36.00/hour (Year 2 of service)</p> <p>All increases occur with the first full payroll period following the employee's annual anniversary date.</p>
PT Lieutenant	Newly appointed PT Lieutenants shall receive \$22.00 per hour.
FT Sergeant	<p>Rate of pay:</p> <p>\$29.50/hour upon appointment. \$31.00/hour (Year 2 of service) \$32.50/hour (Year 3 of service)</p>

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.

Rate of pay:

\$20.63/hour upon appointment.  
\$21.25/hour (Year 2 of service)  
\$22.53/hour (Year 3 of service)  
\$23.20/hour (Year 3 of service)  
\$23.90/hour (Year 4 of service)

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

Rate of pay:

\$18/hour upon appointment.  
\$18.54/hour (Year 2 of service)  
\$19.10/hour (Year 3 of service)  
\$19.68/hour (Year 4 of service)

PT Photo 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 Photo 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 mandate that full-time police officers obtain an associates' degree or greater is repealed. The mandate that part-time police officers either obtain an associates' degree or greater or attend a minimum of thirty-two (32) hours of continuing education on an annual basis is repealed.

Any currently-employed police officer who previously enrolled in an associates' degree or greater course of study in order to meet the Village's Educational Requirements, and who wishes to continue to pursue said degree and/or avail themselves of the incentives previously established for Educational Requirements, shall be grandfathered under the previous Educational Requirements policy established in ordinances 2020-51 and 2022-08 on the following terms and conditions.

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 (2<sup>nd</sup>) payroll of June and the second (2<sup>nd</sup>) 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, provided that the degree program must be completed within five (5) years of the date of commencement of the program of study. The right to receive either incentive pay for course completion or increased rate of pay due to degree completion hereunder shall terminate on the fifth anniversary of the date on which such officer's course of study commenced if the officer has not both completed said course of study and obtained the degree sought after. 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**

Commencing with the beginning of the first full payroll period of July 2021, Full-time Lieutenants, Sergeants, 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.

### **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.