ORDINANCE RECORD

VILLAGE OF NEWBURGH HEIGHTS, OHIO

ORDINANCE NO. 2022-77

INTRODUCED BY: Mayor Traore

AN ORDINANCE ESTABLISHING THE PAY, REMUNERATION AND BENEFITS OF FIREFIGHTERS FOR CALENDAR YEAR 2023, AND DECLARING AN EMERGENCY.

WHEREAS, the Village wishes to establish the rate of pay and benefits for Village firefighters for calendar year 2023; and

WHEREAS, the provisions of this ordinance will take precedence over any previously enacted ordinance in conflict herewith;

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 enacts a schedule of pay, remuneration and benefits for firefighters as set forth in Exhibit A hereto, which is incorporated herein by reference as if fully rewritten.

Section 2. 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 3. 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 4. 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 pay, remuneration and benefits schedule for firefighters reflects the schedule for shifts worked by firefighters and is adopted prior to the new year; wherefore, this ordinance shall be in full force and effect from and immediately after its adoption.

PASSED: December 20, 2022

Gigi Traore, Mayor
Village of Newburgh Heights, Ohio

Approved as to Form

Solicitor

Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 12/20/22
2ND Reading: 12/20/22
3RD Reading: 12/20/22

SCHEDULE 1

EXHIBIT A

PAY/REMUNERATION

Chief of the Division of Fire & EMS:
The Chief of the Division of Fire & EMS shall be considered a full time position, participate in appropriate professional associations as deemed appropriate for the position, and act as Emergency Management Coordinator for the Village of Newburgh Heights.

Effective with the first full payroll period commencing after January 1, 2023 compensation shall be $74,160 annually.

The Chief of the Division of Fire & EMS shall be provided a marked 4x4 SUV-type vehicle for responses to emergencies, travel to and from home, travel to trainings, conferences, meetings, and similar events, etc. with applicable withholdings applied as required by law. The vehicle is forbidden for use as personal and private transportation.

Assistant Chief of the Division of Fire & EMS:
The Assistant Chief shall be second in command of the division. He shall report directly to the Chief of the Division and shall act as the Chief of the Division in his/her absence. The Assistant Chief shall perform duties as prescribed and directed by the Chief of the Division of Fire.

Effective with the first full payroll period commencing after January 1, 2023 compensation shall be $27,000.

Part Time Lieutenant:
All current employees shall maintain their current level of certifications.
All PT Lieutenants promoted after January 1, 2014 shall be Firefighter I & II certified and EMT-Paramedic certified by the State of Ohio.

Commencing with the first full pay period after March 1, 2021 all part-time Lieutenants shall be compensated as follows:

$17.50/hour (Year 1 of service)
$18.03/hour (Year 2 of service)
$18.57/hour (Year 3 of service)
$19.13/hour (Year 4 of service)
$19.70/hour (Year 5 of service)

Part Time Training Lieutenant: All current employees shall maintain their current level of certifications. All PT Training Lieutenants promoted after January 1, 2014 shall be Firefighter I & II certified and EMT-Paramedic certified by the State of Ohio.	Commencing with the first full pay period after July 1, 2021 all part-time training Lieutenants shall be compensated as follows: $21.00/hour
Full Time Lieutenant: All current employees shall maintain their current level of certifications. All new hires shall be Firefighter I & II certified and EMT-Paramedic certified by the State of Ohio within one (1) year of their official start date.	Commencing with the first full pay period after July 1, 2021 all full-time lieutenants shall be compensated as follows: $60,000 Annual Salary (Year 1 of service) $61,800 Annual Salary (Year 2 of service) $63,654 Annual Salary (Year 3 of service)
Full Time Firefighter: All current employees shall maintain their current level of certifications. All new hires shall be Firefighter I & II certified and EMT-Paramedic certified by the State of Ohio within one (1) year of their official start date.	Commencing with the first full pay period after June 1, 2021 all full-time firefighters shall be compensated as follows: $52,000 Annual Salary (Year 1 of service) $53,000 Annual Salary (Year 2 of service) $54,000 Annual Salary (Year 3 of service) $55,000 Annual Salary (Year 4 of service) $56,000 Annual Salary (Year 5 of service)
Part Time Firefighter: All current employees shall maintain their current level of certifications. All new hires after January 1, 2014 shall be Firefighter I & II certified and EMT-Paramedic certified by the State of Ohio within one (1) year of their official start date.	Commencing with the first full pay period after March 1, 2021 all part-time firefighters shall be compensated as follows: $16.00/hour (Year 1 of service) $16.50/hour (Year 2 of service) $17.00/hour (Year 3 of service) $17.51/hour (Year 4 of service) $18.04/hour (Year 5 of service)
Night Watch Compensation	Shall be equivalent to day shift rates of pay commencing with the first full pay period after January 1, 2018.
Full-Time Firefighter	Shall comply with FLSA regulations.

Hours / Shift Schedule	0800 – 0800 (24 hours shifts)
Part-Time Firefighter Hours / Shift Schedule	Shift Hours: 0600 – 1800 hrs – is considered day shift. 1800 – 0600 hrs – is considered night shift. Each part-time member of the fire department is required to work 60 hours each month. Exceptions shall be granted by the Chief of the Division of Fire and EMS for good cause when requested in writing. Members will pick their shifts as prescribed and directed by the Chief of the Division of Fire and EMS.
Bi-Weekly Pay Period	Part-Time Firefighter Pay period starts Sunday morning at 0600 hrs, and continues for two weeks ending Sunday morning at 0600 hrs. Full-Time Firefighter Pay period starts Sunday morning at 0800 hrs., and continues for two weeks ending Sunday morning at 0800 hrs. Full-Time Firefighter Annual Salary will be broken down into 26 equal Bi-Weekly Pays. Pay periods are determined by Village Hall Bi-Weekly Pay Period Schedule.

CLOTHING ALLOWANCE

All active employees of the Division of Fire & EMS	Shall receive $325 annual clothing allowance

Commencing in December, 2013 clothing allowance shall be paid with the second payroll of December each year with withholdings applied in accordance with law.

New hires shall receive a clothing allowance purchase order for the immediate acquisition of required attire and gear in the amount of $600. Failure to complete a one (1) year probationary period of employment shall result in the obligation to reimburse the Village for the amount of

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. It shall be the responsibility of the Chief of the Division of Fire & EMS to instruct the payroll department when an employee has failed to complete a one (1) year probationary period.

Part Time Firefighter's and Full Time Firefighter's receiving clothing allowance purchase orders in the calendar year they were hired shall not receive the clothing allowance payroll disbursement that same calendar year.

CERTIFICATION

All current employees of the Division of Fire & EMS shall maintain their current level of certifications.

All new hires after January 1, 2014 shall be Firefighter I & II certified and EMT-Paramedic certified by the State of Ohio within one (1) year of their start date.

RECERTIFICATION

It is the responsibility of each employee of the Division of Fire & EMS to get the required continuing education hours to maintain their current level of certifications.

Minimum continuing education hours for a three (3) year certification cycle are:
Firefighter: 54 hrs.
Fire Safety Inspector: 30 hrs.
Fire Instructor: 6 hrs of continuing education; 24 hours of instruction
EMT-Basic: 40 hrs.
EMT-Paramedic: 86 hrs.

Each employee upon completion of a re-certification cycle can submit for compensation as follows:

Firefighter/EMT-Basic: $250.00
Firefighter/EMT-Paramedic: $300.00

HOLIDAY PAY

Part Time Lieutenant and Part-time Firefighter shall receive double time for working the holidays. The holiday will begin starting 0600 hrs the morning of the holiday and go to 0600 hrs the following morning. The following is a list of holidays as defined by the village personnel policy manual:

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 Day.
Christmas Eve Day (December 24 from 1800 hrs to 0600 hrs December 25).
Christmas Day (December 25).
New Years Eve Day (December 31 from 1800 hrs to 0600 hrs January 1).

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

Full-time fire department employees on a 51.7-hour work week will be given three (3) 24 hour days off and one (1) 8 hour time slot for their earn holiday time for the all of the days listed above. This holiday time off cannot be taken on the holiday.

Full-time fire department employees shall be paid the equivalent number of hours of paid Holiday time for each holiday based on a 12-hour shift schedule. **For example, a full-time firefighter who normally works a twenty-four hour shift on a holiday will receive twelve (12) hours of paid Holiday Time as paid-time-off in addition to their normal compensation for the twenty-four shift.**

VACATION BENEFIT

The Chief of the Division of Fire and EMS 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, 2021.

Full-Time Firefighter will earn vacation benefit outlined in Section 403 of the Village Personnel Policy Manual.

Full-time Lieutenants shall receive forty-eight (48) 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 July 1, 2021.

CALL-IN PAY FOR INCREASED STAFFING DUE TO EMERGENCY CALLS, WEATHER CONDITIONS AND OTHER EVENTS.

All Part Time Lieutenants and Part-time Firefighters shall receive a minimum call-in time of two (2) hours at employee's full rate of compensation while on a call or back filling the station while on-duty crew is assisting Mutual Aid Fire Departments on an emergency call.

All Part Time Lieutenant and Part-time Firefighter shall receive a minimum call-in time of two (2) hours at employee's full rate of compensation while back filling the station for increased staffing due to our Mutual Aid Fire Departments having a major incident (a structure fire or emergency call that reduces our Mutual Aid Fire Department Resources).

All Full Time Firefighter shall receive a minimum call-in time of two (2) hours at employee's full rate of compensation while back filling the station for increased staffing due to our Mutual Aid Fire Departments having a major incident (a structure fire or emergency call that reduces our Mutual Aid Fire Department Resources).

If the Fire Department has increased staffing for weather conditions or other events, rates of pay will follow employee "Regular Rates of Pay" and "Night Watch Compensation" schedules.

Increased staffing shall be approved by the Chief or Assistant Chief of the Division of Fire & EMS within the guidelines established by the Mayor/Safety Director and approved appropriations.

PROBATIONARY PERIOD

All employees of the Division of Fire & EMS shall be hired with a one (1) year probationary period. It shall be considered that Council has approved the final appointment of the employee if no action is taken at the conclusion of this 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 employees of the Division of Fire & EMS conduct and discipline shall be governed by the Village Personnel Policy Manual, any Village policy, any Village of Newburgh Heights Fire 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 firefighter include, from time to time, close interaction with the general public, entry into private domiciles, and entry into public or private buildings, all Fire 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 2021-19 and subject to applicable law or exceptions based on sincerely held religious beliefs and/or a documented medical condition that precludes such vaccination.

EDUCATIONAL REQUIREMENTS

The mandate that firefighters obtain an associates' degree or greater is repealed.

Any currently-employed firefighter 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 ordinance 2021-19 on the following terms and conditions.

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

The Village of Newburgh Heights shall pay the fire fighter 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 fire fighters.

All fire fighters 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 Fire and EMS.

All newly appointed fire fighters to the Newburgh Heights Fire Department beginning employment with an Associate's Degree in Fire and EMS 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 Fire and EMS.

At all times, all fire fighters shall be obligated to meet the continuing education requirements established by the State of Ohio to maintain an active, valid fire fighter certification.