

ORDINANCE NO. 2024-34

AN ORDINANCE AMENDING CHAPTER 162 –  
MANAGEMENT BENEFITS, AND ALLOWING FOR  
IMMEDIATE ENACTMENT

WHEREAS, the City of Wooster, Ohio desires to amend Chapter 162 of the Codified Ordinances of the City of Wooster.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That Chapter 162 of the Codified Ordinances of the City of Wooster, Ohio, is hereby amended to read as follows:

**162.03 LEAVES.**

Management level employees shall be paid their full salary while on sick and vacation leaves. They shall continue to earn sick leave and vacation credit while on sick leave, injury leave, vacation leave and military leave.

(a) Sick Leave. Management employees shall earn 1.25 sick leave days for each month of service. Such sick leave credit shall be recorded in the first pay period of each month. The amount of sick leave which may be accumulated is unlimited. Employees may only use sick leave which has been previously accumulated.

(1) The previously accumulated sick leave of employees who have been separated from the public service other than through retirement may be placed to their credit upon their re-employment in public service if re-employed within ten years. Employees who transfer from one public agency to another shall be credited with the unused balance of their accumulated sick leave upon furnishing a satisfactorily written statement signed by an appropriate official of such other public agencies stating the employees' accumulated balance from such other public agencies.

(2) A. Upon retirement from City service, management employees with at least ten years of service with the City retire, they shall be paid thirty-three percent (33%) of their accumulated sick leave, not to exceed seventy-five (75) days. When management employees with less than ten years of service with the City, but with ten or more years' service with the State, any political subdivision, or a combination thereof retire from active service with the City, the rate shall be reduced to twenty-five percent (25%), not to exceed seventy-five (75) days. Such payment shall be based on the employee's rate of pay at the time of retirement and eliminates all sick leave credit accrued but unused by the employee at the time of the payment. As used in this section, "retirement" is limited to the point at which an employee is then eligible to receive disability or service retirement payments under any State or municipal retirement system in this State.

B. In the case of the death of an employee, the estate of an employee with ten or more years of service to the City shall receive payment for his/her accumulated sick leave based upon the employee's rate of pay at time of death. Maximum payment shall be as prescribed in the preceding subsection, provided that an employee who died before becoming

eligible for retirement will be limited to a maximum payment calculated by multiplying the figure from subsection (a)(2) A. hereof by the fraction of the employee's total years of service divided by 30.

C. Management employees with less than 20 years of City of Wooster Service at the time of request may elect to sell back sick time, on an annual basis, according to the schedule below, provided **nine hundred sixty (960)** ~~four hundred eighty (480)~~ sick hours remain after the sell back.

D. Management employees with more than 20 years of City of Wooster service at the time of the request may elect to sell back or bank sick time, on an annual basis, according to the schedule below, provided **nine hundred sixty (960)** ~~four hundred eighty (480)~~ sick hours remain after the sell back or bank.

1. 0 hours sick leave used - 144 maximum sell back or bank once annually

2. Every hour of sick leave used reduces the eligible hours of sell back by one and one-half (1 ½) hours. (i.e. twenty-four (24) hours of sick leave used reduces the sell back by thirty-six (36) hours from one hundred forty-four (144) to one hundred eight (108).

3. Employees electing to bank the hours will not be eligible for payment or future use of banked hours

4. Payment will be at the employee's regular rate of pay for sell back or when payment of banked hours are paid out

5. Request must be made in writing to the Human Resources Department by March 1st or December 1st in order to receive payment/bank of eligible hours. Sick leave usage from the preceding calendar year (as of 12/31) will be used to determine the number of hours an employee is eligible to sell back or bank.

6. An employee can only make one request per calendar year. Requests submitted by March 1st will be paid the last paycheck in March. Requests submitted by December 1st will be paid the last paycheck in December.

7. Employees eligible to bank hours can elect to have the eligible hours divided between banking and selling back

8. Banked hours are only paid out at the time of retirement from OPERS and/or OP&F and are paid at the hourly rate at time of retirement

9. To be eligible for payout of banked hours the employee must be retiring from OPERS and/or OP&F immediately under regular circumstances; and not to avoid pending discipline or pending investigation into misconduct, attendance or performance issues (in good standing for Police OP&F retirees)

(3) Management employees may use sick leave for absences due to personal illness, and/or examination by an appropriate health care practitioner. Sick leave may also be used for illness of or injury to a member of the employee's family (spouse, children or employee's parents). For use of sick leave for parents of an employee, employees are limited to no more than three days per calendar year.

(b) Injury Leave. If management employees are injured while performing their assigned duties or contract illness under such conditions and, as a result of such injury or illness are certified unable to work by a licensed physician, employees shall be compensated according to the following plan: The first one hundred twenty (120) scheduled working hours of disability shall be drawn from accumulated sick leave. The next four hundred eighty (480) consecutive working hours of certified disability caused by the original injury or illness shall be compensated as follows: the employees will be compensated through Wage Continuation, whereby the employer will pay the employee's regular earnings in lieu of Ohio Bureau of Worker's Compensation reimbursement. In the event the employee continues to be certified as disabled and unable to return to work after having exhausted the initial four hundred eighty (480) hours of earnings paid through Wage Continuation, the employer shall pay to the employee the difference between the payment received from the Ohio Bureau of Worker's Compensation and his/her regular earnings for an additional four hundred forty (440) scheduled working hours.

(c) Family Medical Leave Act (FMLA). The City of Wooster is and will remain in compliance with respect to the FMLA regulations and requirements.

(d) Bereavement Leave. In the event of the death of an immediate family member, employees will be permitted to take up to five (5) days with full pay for purposes of dealing with matters related to death and grieving. Such leave will not be granted to employees attending a funeral during periods when, for other reasons, they are not at work, such as during vacation, holidays or illness.

(e) Personal Leave. A management level employee may request an unpaid or personal leave of absence for a period not to exceed thirty-one (31) calendar days. Request for renewal may be made only once. Award or denial of a personal leave shall be made by the Mayor and/or Director of Administration. All decisions shall be final. During any such period of personal leave employees will continue to be covered by the City's existing health care plan.

(f) Non-FMLA Medical Leave. Management employees who have exhausted both their FMLA eligibility and their accrued sick leave balance and require additional time off because of illness, may request a medical leave of absence.

(1) A medical leave is taken without pay.

(2) The employee does not earn vacation or sick leave credit while on an unpaid medical leave. The Mayor and/or Director of Administration shall continue health insurance coverage for such employee.

(3) The maximum length of time an employee may request for a non-FMLA medical leave is ninety (90) calendar days. A renewal may be awarded only once. (Ord. 2021-41. Passed 12-20-21.)

(g) Vacation Leave.

(1) Effective January 1, 2023 and forward, the Mayor or designee, may, at his or her discretion, and taking into consideration all relevant prior experience, set the vacation accrual rate for new Management employees to any of the years of service listed in the schedule included in Section 162.03(g), regardless of actual years of public or private work experience.

(2) Effective January 1, 2023 and forward, the Management employees vacation accrual shall be in accordance with the schedule included in Section 162.03(g) based upon actual years of service or the years of service as set pursuant to Section 162.03(g)(1),:

Years of Service

Vacation Days Accrued At Least But Less Than Per Month of Service

0 – 6 1.250 (annually, 15 days)

6 – 10 1.670 (annually, 20 days)

10 2.084 (annually, 25 days)

(3) Management employees may not accrue vacation leave in excess of the accrual from three years of employment, as calculated in accordance with Section 162.03(g) above. Any accumulated vacation exceeding that amount shall be forfeited unless the Mayor, in his/her sole discretion, has granted a waiver to the employee, in which case the employee, solely for the purpose of using such excess vacation leave, may exceed the maximum accrual for the period of the waiver, which shall not exceed six months.

(4) Time spent in military service is to be counted as service with the City when determining vacation leave, provided the employee in question was a City employee for at least 120 calendar days before entering military service.

(5) Upon separation from municipal service, employees are entitled to compensation for any unused vacation leave to their credit upon date of separation, but not in excess of the accrual from his/her last three years of employment preceding separation from employment. This payment shall be in addition to any severance pay which may be due.

(6) In case of the death of an employee, the unused accumulated vacation leave shall be paid to the deceased employee's estate.

(7) Vacation Cash-Out Option. Subject to the approval of the Director of Administration, employees will be permitted to "cash out" unused vacation time of up to one-half of their annual accrual once during any calendar year (January through December), provided that the employee must maintain a minimum balance of ten (10) vacation days. The "cash out" rate will be one-hundred percent (100%) of the employee's daily base rate.

(h) Court Leave. Employees subpoenaed to represent the City to appear before any court or called for jury duty shall be paid their regular wage. Any compensation received from the court for jury duty or court appearance shall be submitted to the City.

(i) “Wellness Days” – Employees shall be afforded up to three (3) “Wellness Days” per calendar year (1/1 through 12/31). Wellness Days can be used for any reason deemed necessary by the employee. Wellness Day leave shall be deducted from the employees’ sick leave, but does not require documentation to substantiate the leave. Any employee desiring to take this time off shall notify their manager per department procedures.

Wellness Days shall count against the employee in regards to their Sick Leave Incentive eligibility. If the employee does not have the accumulated sick leave available, the Wellness Days will not be granted. Wellness days are not cumulative from year to year; and any

Wellness Days not taken within a calendar year shall remain in the employee's sick leave balance.

**162.07 RETENTION BENEFITS.**

(a) Members shall receive annual retention pay based upon completed City of Wooster years of service according to the following table:

After five (5) years of continuous service ~~\$250~~ **500**

After ten (10) years of continuous service ~~\$500~~ **1,000**

After fifteen (15) years of continuous service ~~\$1,000~~ **1,500**

After twenty (20) years of continuous service ~~\$1,500~~ **2,000**

After twenty-five (25) years of continuous service ~~\$2,000~~ **2,500**

(b) Retention pay shall be paid in a lump sum payment the last paycheck of each calendar year.

(c) Retention pay shall be based upon continuous years of full-time service with the City of Wooster as of the last day of the last payroll period of each year.

(d) Employees must be actively employed during the last payroll period of the year to be eligible for the Retention pay for that year.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 3. This Ordinance is hereby declared to be necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division. Wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-4-24 2nd reading → 3rd reading 11-4-24

Passed: November 4, 2024

Vote: 7-0

Attest: Amy Hamilton  
Clerk of Council

[Signature]  
President of Council

Approved: 11/5, 2024

[Signature]  
Mayor

Introduced by: Barb Knapic