

ORDINANCE NO. 47-16

**AN ORDINANCE AMENDING §256.10(b) OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON TO CLARIFY LANGUAGE
PERTAINING TO OVERTIME COMPENSATION
AND DECLARING AN EMERGENCY**

WHEREAS, the Administration desires to clarify language pertaining to overtime compensation for employees in Section 256.10(b); and

WHEREAS, Council, after reviewing the recommended amendment finds it to be in the best interests of the health, safety and welfare of the citizens of Avon.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Section 256.04 which currently reads as follows:

256.10 OVERTIME.

(b) Compensation. All full-time employees who are paid on an hourly rate basis and who have worked in excess of a normal forty-hour work week, or who have worked in excess of eight hours in a twenty-four hour period, shall be paid an hourly rate of one and one-half times their hourly rate for each hour of excess time. In computing the normal hours, time taken off during the week shall be deducted, unless such time is authorized sick leave. Unworked minimum call-out hours shall not apply to the computation, but an employee shall be compensated at the highest of either actual hours worked or minimum call-out hours. Work on scheduled holidays, if requested and/or approved by the department head, shall be paid at double time rate for each hour worked. (Ord. 27-85. Passed 6-10-85; Ord. 44-90. Passed 4-23-90; Ord. 131-91. Passed 12-23-91.)

Shall be amended to read as follows: (New language in bold print)

256.10 OVERTIME.

(b) Compensation. All full-time **covered** employees who are paid on an hourly rate basis and who have worked in excess of a normal forty-hour work week, or who have worked in excess of eight hours in a twenty-four hour period, shall be paid an hourly rate of one and one-half times their hourly rate for each hour of excess time. In computing the normal hours, time taken off during the week shall be deducted, unless such time is authorized sick leave. Unworked minimum call-out hours shall not apply to the computation, but an employee shall be compensated at the highest of either actual hours worked or minimum call-out hours. Work on scheduled holidays, if requested and/or approved by the department head, shall be paid at double time rate for each hour worked. (Ord. 27-85. Passed 6-10-85; Ord. 44-90. Passed 4-23-90; Ord. 131-91. Passed 12-23-91.)

Section 2 - That it is 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 of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to clarify language pertaining to overtime compensation in Section 256.10(b); therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director