

ORDINANCE NO. 93-23

AN ORDINANCE AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY OF AVON, SECTION 7.3 (TOOLS, SUPPLIES, EQUIPMENT, TELEPHONES, AND CELL PHONES) AND DECLARING AN EMERGENCY

WHEREAS, Council, on December 23, 2008, passed Ordinance No. 176-08 adopting the City's Personnel Policy Manual; and

WHEREAS, the City Administration recently reviewed Section 7.3 of the Personnel Policy Manual dealing with personal use of cell phones provided to certain city employees and Form 11.19, the Cell Phone Business Usage Substantiation Form; and

WHEREAS, the current policy dictates that the Finance Department provide employees using city cell phones with a copy of the monthly usage invoice and the employee must review the invoice and identify any personal calls by highlighting them.

WHEREAS, under current cell phone plans, no extra charges are incurred for talk, text or data and as such, it is not necessary for employees to itemize their calls as they do not represent increases to the flat monthly rate (any charges outside the standard plan incurred by the employee for personal use such as charges for international calls will remain the employee's responsibility) and

WHEREAS, if the employee(s) incurred personal charges on their city issued cell phone, they will be required to submit Form 11.19 to the Finance Department within fourteen (14) days; and

WHEREAS, Council finds that the proposed amendments to the City's Personnel Policy Manual should be adopted and doing so would be in the best interests of the health, safety and welfare of the citizens of Avon in maintaining well qualified staff.

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

Section 1 - That the proposed amendments to the Personnel Policy Manual, Section 7.3 entitled, "Tools, Supplies, Equipment, Telephones, and Cell Phones" and the revised Form 11.19 are hereby adopted as set forth in the attached [Exhibits A](#) and [B](#), respectively, which are incorporated herein by reference. Furthermore, this amended policy shall be retroactive to the first pay period of 2023. Employees who made reimbursements under the previous policy shall be entitled to reimbursements of any sums paid in 2023.

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 immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend Section 7.3 concerning personal use of city provided cell phones as soon as possible to prevent further overpayments by affected city employees; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

POSTED: _____
Electronically and at City Hall as
Provided by Council

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