

**ORDINANCE NO. 139-23**

**AN ORDINANCE AUTHORIZING THE MAYOR AND/OR HIS DESIGNEE(S)  
TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO  
AMEND THE JANUARY 1, 2022, THROUGH DECEMBER 31, 2024  
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF AVON  
AND THE AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL  
EMPLOYEES (“AFSCME” or “UNION”)  
AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Ordinance No. 104-21, passed 12/23/21, the City and the Union, are parties to a collective bargaining agreement (CBA) effective January 1, 2022, through December 31, 2024; and

**WHEREAS**, pursuant to Ordinance No. 125-22 which passed 11/14/22, the City and the Union entered into a Memorandum of Understanding to amend the January 1, 2022, through December 31, 2024 CBA by modifying Appendix C, to eliminate Pay Range 5. The positions within Pay Range 5 (Clerk/Secretary 1 and Utilities Billing Clerk 1) were assigned to Pay Range 4; and

**WHEREAS**, it is now necessary to amend the CBA as it pertains to Article 32, “Call-in Pay”, Section 1 to insert language pertaining to employees in the Administrative / Clerical classifications call-in pay and attendance at Council and/or committee meetings beyond their regular schedule, the City and the Union were successful in their efforts to reach an agreement and a Memorandum of Understanding was executed which will require review and action by City Council; and

**WHEREAS**, upon review, the administration and the legislative body have determined the Memorandum of Understanding to be acceptable and in the best interest of the health, safety, and welfare of residents of the City of Avon.

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

Section 1 – That Council of the City of Avon hereby authorizes the Mayor and/or his designee(s) to enter into a Memorandum of Understanding, attached hereto and incorporated herein as Exhibit “A” modifying Article 32, “Call-in Pay”, Section 1 of the collective bargaining agreement, by inserting language pertaining to call-in pay for employees in the Administrative / Clerical classifications and the attendance at Council and/or committee meetings beyond the employee’s regular schedule, effective the first full pay period of 2024.

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 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 in the City of Avon the immediate emergency being the need to adopt the MOU with the Union prior to the start of 2024; therefore, this Ordinance shall be in full force and effect immediately upon its passage by this Council and approval by the Mayor.

PASSED: December 18, 2023 DATE SIGNED: December 18, 2023

BY: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: December 19, 2023

BKJ  
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

POSTED: December 20, 2023  
Electronically and at City Hall  
As Provided by Council

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

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 139-23, passed by the Council of said City on December 18, 2023.

IN WITNESS WHEREOF, I have on this 19<sup>th</sup> day of December, 2023, affixed my signature and official seal.

Barbara J. Brooks  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio

**MEMORANDUM OF UNDERSTANDING**  
**CALL-IN PAY**

This Memorandum of Understanding is entered into by the City of Avon (hereinafter referred to as the "Employer") and the American Federation of State, County and Municipal Employees, (hereinafter referred to as the "Union") (collectively referred to as the "parties").

The parties hereby agree that, effective the first full pay period of 2024, Article 32, Call-In Pay shall be modified as follows:

**Section 1.** An employee in the Division of Water and Sanitary Sewers, the Division of Streets and Drainage, or the Department of Parks, who is called in to work at a time which does not abut his regularly scheduled work hours shall receive a minimum of three (3) hours pay or three (3) hours work at the applicable rate of pay. This provision shall not apply to any schedule changes or scheduled overtime.

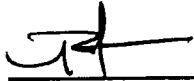
*A. Effective the first full pay following January 1, 2024, an employee in the administrative / clerical classifications (i.e., Cash Receipts Clerk, Clerk/Secretary 2, Finance Clerk 1, Clerk/Secretary 1, Utilities Billing Clerk 1) who is required to attend Council and/or committee meetings shall receive a minimum of one hour and a half (1 ½) hours' pay or one and one half (1 ½) hours of work at the applicable rate of pay for attendance at the meeting.*

*B. Effective the first full pay following January 1, 2024, an employee in the administrative / clerical classifications (i.e., Cash Receipts Clerk, Clerk/Secretary 2, Finance Clerk 1, Clerk/Secretary 1, Utilities Billing Clerk 1) who is required to attend any other work-related meetings not described in Paragraph A., at a time which does not abut her regularly scheduled work hours shall receive a minimum of one hour and a half (1 ½) hours' pay or one and one half (1 ½) hours of work at the applicable rate of pay for attendance at the meeting.*

**Section 2.** Notwithstanding the provisions of Section 1 herein, an employee called into work between the hours of 10:00 p.m. and 3:59 a.m. shall receive a minimum of four (4) hours of work or four (4) hours of pay at premium compensation of time and one-half (1 1/2). This provision shall not apply to any schedule changes or scheduled overtime.

**Section 3.** Unworked minimum call-out hours shall not apply for purposes of overtime computation; however, an employee shall be compensated at the highest of either the actual hours worked or minimum call-out hours. Multiple responses within the applicable three (3) or four (4) hour period shall not result in multiple minimum payments.

**FOR THE CITY OF AVON  
LOCAL 277**



Mayor Bryan K. Jensen

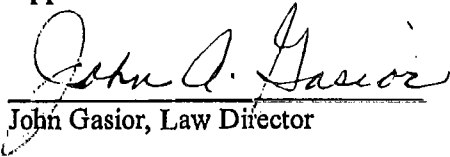


Diane Szlempa, Human Resources

/s/ Melisa M. Fisco

Melisa Fisco, Chief Spokesperson

**Approved as to Form:**



John Gasior, Law Director

**FOR AFSCME, OHIO COUNCIL 8,**



Carlisha Powell, Staff Representative



Aaron Crane, Chairman, Local 277



Mitch Oster



Michelle Morahan



Sean Keane