

RESOLUTION NO. 2009-380

First Reading Passage Requested

J. Dodson

SPONSOR Mr. Pry

DATE November 2, 2009

COMMITTEE Personnel

An amended Ordinance amending Chapter 169A of the Codified Ordinances of the County of Summit, entitled “Cost Savings Days,” to permit appointing authorities to enact a policy whereby employees must take mandatory time off during calendar year 2010, for the Executive, and declaring an emergency.

WHEREAS, on October 5, 2009, this Council adopted Ordinance No. 2009-379, which enacted Chapter 169A of the Codified Ordinances of the County of Summit, entitled “Cost Savings Days,” to permit an appointing authority to enact a policy whereby employees must take certain mandatory time off during calendar year 2009; and

WHEREAS, Ordinance 2009-379 was adopted as a result of the current economic conditions and the impact those conditions have had on the County’s general fund revenues, and to provide officeholders with an additional tool to adjust personnel expenditures in line with the reduced revenues; and

WHEREAS, it is now necessary to amend Chapter 169A to also allow officeholders to implement a Cost Savings Days policy for his or her employees during 2010; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County to amend Chapter 169A to permit appointing authorities to enact a Cost Savings Days policy during calendar year 2010.

NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

Chapter 169A of the Codified ordinances of the County of Summit is hereby amended as set forth on the amended Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary to immediately authorize officeholders to draft, discuss with employees and implement the policy for calendar year 2010.

SECTION 3

Provided this Resolution receives the affirmative vote of eight members of this Council, it shall take effect immediately upon its adoption and approval by the County Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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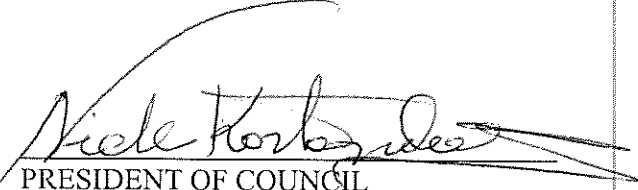
SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED October 19, 2009

ADOPTED November 2, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED November 2, 2009


EXECUTIVE

ENACTED EFFECTIVE November 2, 2009

Voice Vote: 11-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith

NOTE: Exhibit A amended.

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Chapter 169A: Cost Savings Days

169A.01 Establishment of Cost Savings Day Policies

Each County appointing authority, office, agency, board and commission (“collectively “appointing authority”) may implement a mandatory Cost Savings Day (“CSD”) policy for its employees, consistent with the terms of this Chapter. Unless specified or limited herein, each appointing authority shall have the discretion and flexibility to design and implement the terms of its CSD policy.

Any CSD policy adopted pursuant to this Chapter that affects members of a bargaining unit must be agreed to by the bargaining unit pursuant to a bargaining agreement or memorandum of understanding with the appointing authority and County.

In addition to the mandatory CSD plan set forth herein, an appointing authority may permit its employees to participate in any voluntary CSD policy adopted by that appointing authority, provided, however, that to maintain their full-time status (and the associated benefits), the voluntary CSD policy shall limit the number of voluntary CSD hours that can be used by an employee during the time in which he or she is participating in the Voluntary CSD policy to no more than four hours times the number of weeks in which the employee participates.

169A.02 Use of Cost Savings Day Time Off; Limitation on Number of Hours

As part of its CSD policy, an appointing authority may require its employees to participate in a maximum of thirty-two (32) hours of mandatory time off without pay (“CSD time”) for the balance of calendar year 2009. The CSD time for 2009 shall be taken between the effective date of this Ordinance and December 31, 2009. An appointing authority may also require its employees with an hourly salary of \$19.23 or less to participate up to a maximum of one hundred twenty (120) hours, and its employees with an hourly salary of \$19.24 or more to participate up to a maximum of one hundred sixty (160) hours of mandatory CSD time off without pay during calendar year 2010. CSD time cannot be carried over into ~~the next calendar year~~ calendar year 2011 by an employee, and if not used by the employee shall be forfeited, unless otherwise permitted by the appointing authority. In the event of such a forfeiture, the reductions in pay set forth herein shall continue to be applied to that employee at the same rate as if he or she used all CSD time. The appointing authority shall establish within its CSD policy the terms, conditions and methods by which its employees shall schedule and use CSD time, including, but not limited to the following options:

- (a) Designating specific days that all or some of the appointing authority’s employees will use for their CSD time;
- (b) Permitting employees to use their CSD time in a fashion similar to vacation and/or comp time, by allowing the employee to select the days when CSD time will be used;
- (c) Designating certain County holidays that would ordinarily be paid holidays, as unpaid holidays.

169A.03 Adjustment of Bi-weekly Pay

In calendar year 2009, Each employee subject to a CSD policy shall have their bi-weekly pay for each pay period from September 28, 2009 through December 20, 2009 during which the CSD policy is in effect, reduced by a number of hours equal to the number of mandated CSD time divided by the number of pay periods remaining in the year when the CSD policy is enacted. As an illustration, the following schedule is the maximum amount that each bi-weekly pay and pay period can be reduced:

2009 Schedule

<u>Pay Period</u>	<u>Pay Date</u>	<u>Reduction of Hours</u>
9/28/09 – 10/11/09	10/16/09	5.33
10/12/09 – 10/25/09	10/30/09	5.33
10/26/09 – 11/8/09	11/13/09	5.33
11/9/09 – 11/22/09	11/25/09	5.33
11/23/09 – 12/6/09	12/11/09	5.33
12/7/09 – 12/20/09	12/23/09	5.33

In calendar year 2010, each employee subject to a CSD policy shall have their bi-weekly pay for each pay period during which the CSD policy is in effect reduced by a number of hours equal to the number of CSD time divided by the number of pay periods covered by the CSD policy. As an illustration, the following schedule depicts the number of hours deducted from each bi-weekly pay and pay period in the event that an appointing authority enacted the maximum amount of CSD time during the entire 2010 calendar year:

2010 Schedule

<u>Number of CSD Hours</u>	<u>Number of Pay Periods</u>	<u>Reduction of Hours</u>
<u>120 Hours</u>	<u>26 Pay Periods</u>	<u>4.61</u>
<u>160 Hours</u>	<u>26 Pay Periods</u>	<u>6.15</u>

169A.04 Effect on Sick and Vacation Accruals, Other Benefits

Employees who must use CSD time shall continue to accrue sick and vacation accruals based on their ordinary hours worked (80 hours per pay for full time employees), and those accruals shall not be reduced or diminished as a result of the CSD time. Additionally, service credit and entitlement to insurance benefits shall not be reduced or impacted by the CSDs.

169A.05 Effect on Overtime and Comp Time

CSD time taken during a pay period shall not be included as hours actually worked or active pay status for purposes of overtime or comp time, unless otherwise authorized by the appointing authority.

169A.06 Effect on Holiday Pay

An appointing authority's CSD policy cannot require an employee to forfeit or lose holiday pay for a County holiday if he or she elects to take CSD time on a day immediately preceding or following a County holiday.

169A.07 Limitations on Differences Between Classes of Employees

An appointing authority's CSD policy may assign different employees a different number of hours of CSD time based on job classification, funding source and hourly rate of pay, provided, however, that:

- (a) The number of CSD hours for any employee shall not exceed thirty-two (32) in calendar year 2009, or one hundred twenty (120) hours for employees with an hourly salary of \$19.23 or less and one hundred sixty (160) hours for employees with an hourly salary of \$19.24 or more during calendar year 2010;
- (b) Within an appointing authority's jurisdiction, bargaining unit employees of a certain fund cannot be assigned more CSD hours than non-bargaining employees of the same fund;
- (c) Within an appointing authority's jurisdiction, lower paid employees, based on current hourly rate of pay, of a certain fund cannot be assigned more CSD hours than higher paid employees of the same fund.

169A.08 Pro-ration for Transferred or Hired Employees

Any employee transferred or hired into an appointing authority from outside the appointing authority, shall be required to use a pro-rated portion of the CSD time and commensurate reduction in pay for the balance of the year.

169A.09 Pro-ration for Part-Time Employees

Part-time employees shall be required to use a pro-rated portion of the CSD time and commensurate reduction in pay as required of similarly situated full-time employees.

169A.10 Separation of Employment

Employees covered by an appointing authority's CSD policy who separate employment for any reason prior to December 31, 2009 for a 2009 CSD policy or December 31, 2010 for a 2010 CSD policy, shall have their final pay reduced by any CSD hours used by the employee that exceed the number of hours deducted from the employees pay through the date of separation.

169A.11 Concurrence with FMLA Leave

CSD time shall run concurrent with FMLA leave. Employees must use any CSD time that they are able to schedule (i.e. not CSD time designated by the appointing authority to be used on specific days) as the first days of any approved FMLA unpaid leave of absence.

169A.12 Vacation Time Accrual Adjustment

Any employee that is subject, or will become subject to Section 169.23(c)(3) during calendar year 2010, meaning that he or she has reached the maximum accumulation of vacation time set forth in Section 169.23(c)(1) and (2), shall be able to carry over into calendar year 2011 an additional amount of vacation time equal to fifty percent (50%) of the total CSD time required of that employee for calendar year 2010, in excess of the maximum vacation accumulation amount. Said employee must use the additional vacation accrual during calendar year 2011 prior to December 31, 2012, and will forfeit any additional accumulation on December 31, 2012. While permitted to accrue the additional vacation time, as set forth herein, in the event said employee separates employment with the County prior to exhaustion of the additional accrued vacation time, he or she shall not be paid for the additional accrued vacation time, and the maximum payout for accrued vacation time shall remain the number of hours set forth in 169.23(c)(2).