

1 ORDINANCE NO. 2015-217

Late Filing

2
3 SPONSOR Mr. Pry

4
5 DATE May 11, 2015

COMMITTEE Rules

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7 **An Ordinance amending Section 169.07 of the Codified Ordinances of the County of**
8 **Summit, entitled “Compensation” to provide for compensation for supervisors of the**
9 **Department of Environmental Services during on-call duty, for the Executive’s**
10 **Department of Environmental Services, and declaring an emergency.**

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12 WHEREAS, the Department of Environmental Service (“DOES”) employs individuals in
13 certain supervisory positions that are required to respond from time-to-time to DOES facilities
14 and assets during times outside their regularly scheduled workday due to situations such as
15 equipment failure or severe weather; and

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17 WHEREAS, those DOES supervisors are also required to arrange subordinate staff to
18 respond to those off-duty situations and supervise the staff during those situations; and

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20 WHEREAS, given the unpredictable nature of when these off-duty situations may arise,
21 DOES schedules the supervisors to be available through on-call duty to respond in the event a
22 situation arises; and

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24 WHEREAS, it has been the practice of DOES for several years to pay said supervisors
25 the sum of \$1.56 per hour for each hour that a supervisor is scheduled for on-call duty in order to
26 ensure and compensate the supervisors for their availability to respond to off-duty situations; and

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28 WHEREAS, during a current review of DOES’s policies and procedures, it was
29 determined that Section 169.07 of the Codified Ordinances, entitled “Compensation,” was not
30 previously amended to provide for the aforementioned on-call duty payments to DOES
31 supervisors; and

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33 WHEREAS, the Fair Labor Standards Act requires an employer to compensate a non-
34 exempt employee whose activities are restricted by the employer in order to ensure the
35 employee’s availability to respond during on-call duty situations; and

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37 WHEREAS, this Council desires to amend Section 169.07 to provide for the
38 aforementioned on-call duty payments to DOES supervisors, and to ratify through that Section
39 the prior payments to the DOES supervisors; and

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41 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
42 that it is necessary and in the best interest of the County to amend Section 169.07 as set forth
43 herein.

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

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48 SECTION 1

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50 Section 169.07 of the Codified Ordinances of the County of Summit, entitled
51 “Compensation” is hereby amended as set forth on Exhibit A, attached hereto and incorporated
52 herein by reference.
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2 PAGE TWO

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4 SECTION 2

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6 This Resolution is hereby declared an emergency in the interest of the health, safety, and
7 welfare of the citizens of the County of Summit and for the further purpose of immediately
8 amending the aforementioned section to provide prompt and appropriate compensation.
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10 SECTION 3

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12 Provided this Resolution received the affirmative vote of eight members, it shall take
13 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
14 effect and be in force at the earliest time provided by law.
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16 SECTION 4

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18 It is found and determined that all formal actions of this Council concerning and relating
19 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
20 deliberations of this Council and of any of its committees that resulted in such formal action,
21 were in meetings open to the public, in compliance with all legal requirements, including Section
22 121.22 of the Ohio Revised Code.
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25 INTRODUCED April 27, 2015

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27 ADOPTED May 11, 2015

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31 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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33 APPROVED May 12, 2015

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37 EXECUTIVE

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39 ENACTED EFFECTIVE May 12, 2015

Voice Vote: 11-0 YES: Comunale, Crawford, Donofrio, Feeman, Kostandaras,
Kurt, Lee, Prentice, Rodgers, Schmidt, Shapiro