

**ORDINANCE NO. 2018-87  
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AMENDING CHAPTER 159 OF THE  
CODIFIED ORDINANCES OF THE CITY TITLED  
“EMPLOYEES GENERALLY” BY AMENDING SECTION  
159.10 CAPTIONED VACATION AND HOLIDAYS, AND  
DECLARING AN EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO THAT:**

**SECTION 1.** That the Codified Ordinances of the City of Lyndhurst are hereby supplemented by amending Section 159.10 to read as follows: (new material appears like THIS: deleted materials to appear like ~~this~~):

**159.10 VACATION AND HOLIDAYS**

Each full-time salaried and hourly rate employee in the several offices and departments of the City shall be entitled to vacation with full pay as follows:

After one year and through five years of continuous service	2 weeks each year
After five years and through ten years of continuous service	3 weeks each year
After ten years and through fifteen years of continuous service	4 weeks each year
After fifteen years of continuous service	5 weeks each year
AFTER TWENTY YEARS OF CONTINUOUS SERVICE	6 WEEKS EACH YEAR

~~In addition, for each year of continuous service after twenty (20) years, an employee will receive an additional day of vacation up to five (5) additional days as shown in the following schedule:~~

<del>Twenty one years</del>	<del>1 day</del>
<del>Twenty two years</del>	<del>2 days</del>
<del>Twenty three years</del>	<del>3 days</del>
<del>Twenty four years</del>	<del>4 days</del>
<del>Twenty five years</del>	<del>5 days</del>

VACATION LEAVE ACCRUES ONLY WHILE AN EMPLOYEE IS IN PAY STATUS (E.G., VACATION, PAID MILITARY LEAVE, SICK LEAVE, ETC.). NO VACATION IS EARNED WHILE AN EMPLOYEE IS IN UNPAID STATUS. IF AN EMPLOYEE WAS NOT PAID FOR A FULL YEAR PRIOR TO THEIR VACATION ANNIVERSARY DATE, AND WAS ON UNPAID STATUS FOR ANY PORTION OF THE YEAR, HE SHALL NOT EARN OR ACCRUE VACATION DURING THE PERIOD OF TIME HE IS IN UNPAID STATUS. PRORATED VACATION CREDIT IS GIVEN FOR ANY PART OF A PAY PERIOD.

Full-time employment by another political subdivision of the State shall be included when determining years of continuous service, provided that there is not more than one month between termination from such former public employment and appointment in the City. EMPLOYEES WITH PRIOR SERVICE CREDIT WILL BE ENTITLED TO VACATION TIME COMMENSURATE WITH THOSE YEARS OF SERVICE BUT ONLY AFTER ONE YEAR OF SERVICE FOR THE CITY OF LYNDHURST.

If an employee is appointed after April 1 and prior to October 1 of the calendar year, he or she is entitled to two weeks the following year. If an employee is appointed between October 1 and December 31, he or she is entitled to one week vacation the following year after six months of employment. If an employee is appointed between January 1 and April 1, he or she is entitled to one week vacation in that year after six months of employment.

Vacation time shall accrue to the employee each calendar year following the determination of the first vacation period as set forth above. A vacation shall be taken by the employee during the year in which it has accrued. If an employee has been unable to use his or her full vacation allotment during a calendar year, the employee will be paid any unused vacation pay up to, and not in excess of, forty (40) vacation hours' vacation pay.

All vacations shall be taken at such time as is approved by the department head or the Mayor. During vacations, employees shall receive their current salary or the proportionate amount thereof if the Mayor or department head schedules such vacations into shorter periods for the convenience of the conduct of City business.

Hourly paid part-time employees shall accrue vacation time in the same manner as full-time employees, except that the per day hours of vacation pay shall be those part-time hours normally worked by such part-time employees. Seasonal employees shall not be entitled to vacation pay. Part-time employees must work a portion of each month, and a minimum thirty hours per week, to be entitled to pro-rated vacation pay.

AFTER ONE YEAR OF SERVICE, IN THE EVENT OF TERMINATION OF EMPLOYMENT WITH THE CITY FOR ANY REASON OTHER THAN DISCIPLINARY DISCHARGE WITH JUST CAUSE, EACH EMPLOYEE SHALL BE ENTITLED TO PAYMENT, AT THEIR CURRENT REGULAR RATE OF PAY, FOR ANY EARNED BUT UNUSED VACATION LEAVE TO THEIR CREDIT AT THE TIME OF SEPARATION. VACATION PAY OUT SHALL BE PRORATED BASED UPON THE TIME OF SEPARATION.

If an employee retires or leaves employment prior to October 1, there shall be no additional paid vacation time beyond his or her entitlement for that year. If an employee retires or leaves employment between October 1 and April 1, he or she shall be entitled to one-half of his or her annual entitlement for the coming year, and if he or she retires or leaves employment after April 1, he or she shall be entitled to his or her full paid vacation time as determined by the above procedure.

In addition to vacation, each full-time or part-time municipal employee hired after August 1, 2012 who works thirty or more hours per week, whether on an hourly basis or salary basis shall be entitled to the following holidays with pay.

New Year's Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving Day
Labor Day	Christmas Day
Independence Day	Five floating holidays

IN THE EVENT ANY OF THE AFOREMENTIONED HOLIDAYS FALL ON SATURDAY, THE FRIDAY IMMEDIATELY PRECEDING SHALL BE OBSERVED AS THE HOLIDAY. IN THE EVENT ANY OF THE AFOREMENTIONED HOLIDAYS FALL ON SUNDAY, THE MONDAY IMMEDIATELY SUCCEEDING SHALL BE OBSERVED AS THE HOLIDAY

Floating holidays shall be taken within the calendar year and shall be at a time requested by the employee with the approval of the department head. Seasonal employees shall not be entitled to holiday pay. ~~Persons who are hired or leave employment during the calendar year shall be entitled to one floating holiday for each three months worked or portion thereof. A portion may not be less than one month.~~ EMPLOYEES WHO ARE HIRED OR SEPARATED FROM EMPLOYMENT DURING A GIVEN YEAR SHALL RECEIVE PRORATED FLOATING HOLIDAY BENEFITS IN AMOUNT OF 4 (FOUR) HOURS OF FLOATING HOLIDAY TIME FOR EACH FULLY COMPLETED MONTH OF SERVICE IN ACTIVE PAY STATUS. IN THE EVENT THAT AN EMPLOYEE RETIRES AFTER HAVING UTILIZED A GREATER AMOUNT OF HOLIDAY LEAVE TO WHICH HE OTHERWISE WOULD HAVE BEEN ENTITLED AT THE TIME OF SEPARATION, HE SHALL HAVE ANY EXCESS DEDUCTED FROM HIS FINAL PAY IN ORDER TO RECOUP THE OVERAGE.

Notwithstanding the foregoing, all noncollective bargaining unit employees within a department shall be entitled to receive the same vacation and holiday allowances as the collective bargaining unit employees within that department.

**SECTION 2.** The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took

place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Lyndhurst for the reason that it is necessary to enact said amendment immediately in order to comport with the City's Employee Handbook and Collective Bargaining Agreements. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approved by the Mayor or otherwise at the earliest time allowed by law.

PASSED: November 5, 2018

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**VICE MAYOR**

ATTEST: \_\_\_\_\_  
**Clerk of Council**

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on November 15, 2018 and November 22, 2018.

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**Clerk of Council**

First Reading: November 5, 2018

Second Reading: Suspended

Third Reading: Suspended