

ORDINANCE NO. 2025- 23

AN ORDINANCE AMENDING SECTION 141.09 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, "FULL-TIME CAPTAIN" AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, AND STATE OF OHIO:

SECTION 1. Section 141.09 of the Codified Ordinances of the City of Willowick is hereby amended to read and provide as follows:

141.09 FULL-TIME CAPTAIN

- (a) There is hereby created the position of Full-Time Captain in the Division of Fire, which shall be in the classified service of the City of Willowick.
- (b) The compensation for the position shall be as determined by Council.
- (c) Full-Time Captains shall perform such duties as are directed by the Fire Chief, and/or as designated by Resolution or Ordinance.
- (d) Work week.
 - (1) The standard work period for Full-Time Captains shall consist of four (4) tours of work in a two (2) week pay period. Tours scheduled for each employee shall be as directed by the Chief. The standard work year will consist of one hundred four (104) tours of work.
 - (2) Full-Time Captains shall be compensated at a rate of one and one-half (1 ½) times the employee's regular hourly rate for all tours in excess of eight (8) tours in a twenty eight (28) day period. Any time worked in excess of their regular schedule must be approved by the Fire Chief.
 - (3) The regular work week for Full-Time Captains shall be forty-eight (48) hours per week in a standard fire department schedule of twenty-four (24) hours on duty followed by forty-eight (48) hours off duty, except in no event shall an employee be regularly scheduled to work more than 96 hours in a two week pay period.
- (e) Full-Time Captains holding a current Paramedic certificate shall receive additional compensation at the rate of \$1.75/hour.
- (f) Full-Time Captains of the Fire Department shall be entitled to the same uniform allowances as are afforded by members of the Fire Department.

- (g) Full-Time Captains of the Fire Department shall be entitled to the vacation rights as follows:

<u>Years of Service</u>	<u>Vacation (in tours of duty)</u>
<u>1 or more but less than 5</u>	<u>4</u>
<u>5 or more but less than 10</u>	<u>6</u>
<u>10 or more but less than 15</u>	<u>8</u>
<u>15 or more but less than 20</u>	<u>10</u>
<u>20 or more</u>	<u>12</u>

“Years of service,” as used in this section, means as a full-time employee. The anniversary date of an employee's appointment as a full-time employee shall be used as the date to determine the length of service of each employee.

Vacations must be taken within the twelve-month period following each employee's anniversary date. Unused vacation time may be carried over into the employee's next vacation year due to hardship or the needs of the City, and subject to approval by the Mayor.

- (h) Full-Time Captains of the Fire Department shall be entitled to the sick leave rights as follows: Full-Time Captains shall be entitled, for each completed month of service to the City, to be absent for twelve (12) hours with pay for the reasons specified in subsection (k) hereof. For the purposes of this section, a total of eight (8) tours of duty within any one calendar month shall be considered as one month of full-time employment.

However, in computing such total in any calendar month, no deduction shall be made for the absence of an employee due to illness of or injury to the employee, which illness or injury shall be established by the evidence required by subsection (k) hereof, or due to paid vacations or legal holidays.

- (i) Compensation to be allowed for such hours of sick leave actually taken by a Full-Time Captain paid at an hourly rate shall be on the same basis to which the full-time Captain would have been entitled as compensation for his usual service if it had been performed on such days. The sick leave pay of a Full-Time Captain shall be computed by dividing their annual salary by the number of work hours in a calendar year.
- (j) Unused sick leave may be accumulated for a total of sixteen hundred eighty (1680) work hours.
- (k) When approved by the Mayor, a Full-Time Captain may use sick leave as provided for in subsection (h) hereof for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees and to illness or death in the Captain's immediate family. In addition to the foregoing, a Full-Time Captain shall be allowed, without deduction from accumulated sick

leave, one (1) tour in the event of the death of any of the following relatives of such Captain or his or her spouse: spouse, child, parent, brother or sister. However, they shall not be entitled to sick leave or compensation therefor unless he or she first furnishes an affidavit satisfactory to the Mayor showing the duration of his or her absence and that such absence was the result of one of such causes and, in addition, if the Mayor so requires, a certificate of the attending physician, likewise satisfactory to the Mayor, confirming the facts recited in such affidavit. If such absence extends for more than two (2) consecutive tours, such an affidavit and such a certificate, if the Mayor requires the latter, shall be furnished on the third consecutive tour of such absence and once each seven days thereafter. Nothing contained in this section shall be construed to authorize sick leave with pay for any sickness or accident resulting from moral turpitude, intoxication or use of narcotics.

- (l) Sick leave credit shall be effective only during such time as the Captain remains in the employ of the City and shall not be entitled to compensation in any form for any unused sick leave credit remaining upon the termination of his or her employment with the City. However, the previously accumulated sick leave of a Full-Time Captain whose employment with the City has been terminated may, with the approval of the Mayor, be placed to his or her credit in the event of his or her re-employment by the City within a period of three years from the date of his last employment by the City.
- (m) After ten years of full-time employment with the City, and upon the retirement, death or injury resulting in total and permanent disability to perform the work as a Full-Time Captain, there shall be paid an amount representing any previously accumulated sick leave at the Captain's then current rate of compensation, up to a total of nine hundred sixty (960) work hours, as follows:

 - (1) In case of retirement, with the exception of a Captain who is a re-employed retirant as defined in Ohio R.C. 145.381. A re-employed retirant shall not be entitled to be paid the amount representing any previously accumulated sick leave at such employee's then current rate of compensation until such time as the employee is no longer a re-employed retirant.
 - (2) In case of death, to the Captain's surviving spouse, if any, who was living with such Captain or dependent upon him or her for support at the time of his or her death, or, if there is no surviving spouse, to the dependent children, including adopted children, of such Captain or for their use to their legal guardian or guardians or to the person or persons who, as determined by the Mayor, were dependent upon such employee for support or for their use to their legal guardian or guardians or to the person or persons with whom they are living. The determination of the Mayor as to the person or persons entitled to receive any payment in accordance with this subsection shall be final and neither the Mayor nor the City nor any other officer or employee thereof shall be required to see to the proper expenditure of any such payments.

(3) In case of injury resulting in total and permanent disability to perform the work as full-time Captain, to the Captain or for his or her use to the guardian or conservator of his or her estate, if any, or to the person or persons having custody and care of such Captain, if any, provided that the determination of the Mayor as to the person or persons entitled to receive any payment in accordance with this subsection shall be final and neither the Mayor nor the City nor any other officer or employee thereof shall be required to see to the proper expenditure of any such payment.

- (n) Holidays and Personal Days (1) All full-time Fire Captains working twenty-four (24) hours on-duty and forty-eight hours (48) off-duty work schedule shall receive five (5), twenty-four (24 hour) holidays for a total of 120 hours per calendar year. In lieu of the named holidays, such holidays may be scheduled at any time during the calendar year, upon the approval of the Fire Chief, which shall not be unreasonably denied and approved in a consistent manner. (2) Full-time Fire Captains working a twenty-four (24) hours on-duty and forty-eight hours (48) off-duty work schedule shall receive one and a half (1.5), twenty-four (24 hour) personal days for a total of 36 hours per calendar year. (3) Holidays and personal days shall not be accumulated and must be taken annually. (4) New employees or employees who terminate their employment for any reason shall be entitled to holidays on a prorated basis for each full month of regularly scheduled workdays. Employees who have used more than their prorated share of holidays upon termination shall have deducted from their final pay check an amount equal to such overpayment.

Section 2. That all ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick, insofar as it provides for the daily management and operation of the City Fire Department and that it ensures the orderly and uninterrupted efficient operation of the City.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2025

Monica Koudela, Council President

Submitted to the Mayor: _____, 2025

Michael Vanni, Mayor

Approved by the Mayor: _____, 2025

ATTEST: _____
Clerk of Council