

**CITY OF XENIA, OHIO
ORDINANCE 2022 – 13**

**AMENDING CHAPTER 260, “PERSONNEL,” AND CHAPTER 274, “CIVIL SERVICE
COMMISSION,” AND REPEALING SECTION 230.03 OF THE XENIA CITY CODE**

WHEREAS, this Council’s Legislative Review and Government Affairs Committee met on April 28, 2022, to review proposed amendments to Chapter 260 and Chapter 274 of the Xenia City Code;

WHEREAS, the Legislative Review and Government Affairs Committee voted unanimously to recommend that Council rename Chapter 260 and make certain amendments and reorganization to Chapter 260 and Chapter 274; and

WHEREAS, this Council deems it to be in the best interests of the City of Xenia and its inhabitants to make the recommended changes, amendments, renumbering and retitling to Chapter 260 and Chapter 274 of the Xenia City Code.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of Council present concurring, that:

Section 1. Chapter 260 of the Xenia City Code is hereby retitled “Personnel.” Sections 260.01 to 260.05, 260.18, 260.20 and 260.21 of Chapter 260 are hereby amended as shown in the attached Exhibit A. Sections 260.06 to 260.17, 260.19, 260.90 and 260.91 are hereby enacted, as shown in the attached Exhibit A.

Section 2. Existing Sections 260.01 to 260.05, 260.18, 260.20 and 260.21 of Chapter 260 are hereby repealed. Sections 260.22 to 260.28 are hereby repealed in their entirety, as shown in the attached Exhibit A.

Section 3. Sections 274.01 to 274.06 of Chapter 274 are hereby amended as shown in the attached Exhibit B.

Section 4. Existing Sections 274.01 to 274.06 are hereby repealed. Sections 274.07 to 274.10 are hereby repealed in their entirety, as shown in the attached Exhibit B.

Section 5. Existing Section 230.03 of the Xenia City Code is hereby repealed in its entirety, as shown in the attached Exhibit C.

Section 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

Section 7. This Ordinance shall be effective on June 26, 2022.

Introduced: May 12, 2022

Adopted: May 26, 2022

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council

CHAPTER 260
Personnel
Employees Generally

260.01	<u>Applicability</u> Adoption of City of Xenia Employees' Benefits Manual	<u>260.16</u>	<u>Tuition Reimbursement</u>
260.02	<u>Oath of Office</u> Personnel Classification and Compensation	<u>260.17</u>	<u>Uniforms and Equipment</u>
260.03	<u>Bonds; Liability Insurance</u> Pay Sources	260.18	<u>Certain Personnel Expenses</u> Bonds
260.04	<u>Organizational Plan; Pay Plan</u> Holidays	<u>260.19</u>	<u>Personnel Policy Manual</u>
260.05	<u>Pay Sources</u> Deferred Compensation	260.20	<u>Payment of Leave Upon Retirement</u> Pick-up of Contributions to Public Employ Retirement System of Ohio
<u>260.06</u>	<u>Pay Period</u>	260.21	<u>Rehire of Retired Employees</u> Pickup of Contributions to Police and Fire Disability and Pension Fund
<u>260.07</u>	<u>Retirement Contributions</u>	260.22	Recognition of Employees' Organizations
<u>260.08</u>	<u>Overtime and Comp Time</u>	260.23	Membership in Employee Organizations
<u>260.09</u>	<u>Health Insurance</u>	260.24	Withholding of Union, Lodge or Association Dues
<u>260.10</u>	<u>Life Insurance</u>	260.25	Affirmative Action Plan
<u>260.11</u>	260.04 Holidays	260.26	Special Temporary Employment
<u>260.12</u>	<u>Sick Leave</u>	260.27	Equipment Rentals and Operators
<u>260.13</u>	<u>Vacation</u>	260.28	Code of Conduct for Appointed Officials
<u>260.14</u>	<u>Other Approved Leaves</u>	<u>260.90</u>	<u>Administrative Steering Committee</u>
<u>260.15</u>	<u>Longevity</u>	<u>260.91</u>	<u>Definitions</u>

CROSS REFERENCES

260.01 **APPLICABILITY.**
ADOPTION OF CITY OF XENIA EMPLOYEES' BENEFITS MANUAL.

(a) **Applicability.** **Except as otherwise provided in divisions (b) and (c) of this section, the wage and fringe benefit provisions of this chapter shall apply to all part-time and full-time unclassified employees of the City and all part-time and full-time classified employees of the City who are not actively represented by an employee organization/union who has been certified as the exclusive representative for the purposes of collective bargaining, pursuant to ORC 4117.05.**

The provisions of the Employees' Benefits Manual (formerly the Employees' Handbook) referred to in this Chapter, known officially as the "City of Xenia Employees' Benefits Manual," are hereby approved and adopted and are incorporated herein by reference and made a part of this Chapter, along with any supplements or amendments thereto hereafter approved by resolution of the City Council.

(b) **Collective Bargaining Agreements.** **Where a City employee's employment is covered by a collective bargaining agreement entered into between the City and an employee organization/union, the employee's wages and fringe benefits shall be as set forth in the applicable collective bargaining agreement and only Sections 260.02 to 260.07, 260.18 to 260.21, 260.90, and 260.91 of this chapter shall apply to such employee.**

~~The City Manager, the Finance Director and other administrative officers of the City are hereby directed to carry out the administration of their offices in conformity with the provisions of this Chapter and as interpreted by the provisions of the City of Xenia Employees' Benefits Manual.~~

(c) Employment Contracts. The provisions of this chapter shall apply to any City employee whose employment is subject to an individual employment contract, except as otherwise specifically set forth in the employee's employment contract.

(Ord. 2022-13. Adopted **//22)**

260.02 **OATH OF OFFICE.**

~~PERSONNEL CLASSIFICATION AND COMPENSATION~~

(a) Administrative Officers. The appointed officials, department heads, division heads, and other supervisors, or any employee authorized to make expenditures of public moneys, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation, which shall be filed and kept in the employee's personnel file, that he/she will:

- (1) Support the Constitution of the United States and of Ohio, and the City Charter and ordinances of the City;**
- (2) Not be influenced by any consideration except that of merit and fitness in the appointment and discharge of employees;**
- (3) Not make or authorize the expenditure of public money otherwise than for adequate consideration and efficient service to the City; and**
- (4) Faithfully, in all other respects, discharge the duties of his/her office.**

Statutory reference ORC 705.28

~~Public Service Employees. Employees of the City in positions eligible to be represented by the American Federation of State, County, and Municipal Employees (AFSCME), Ohio Council 8, Local 101, Xenia Chapter, as identified in Section 260.23(a), shall be paid wages consistent with the terms and conditions of the bargaining agreement entered into between the City and such employee organization.~~

(b) Other Employees. All City officers and employees, except those administrative officers covered by Section 260.02(a), before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation, which shall be filed and kept in the employee's personnel file, that he/she will support the Constitution of the United States and of Ohio, and the City Charter and ordinances of the City, and will faithfully, honestly, and impartially discharge the duties of his/her office.

(Ohio Constitution Article XV, § 7)

~~Employees of the City in positions eligible to be represented by the Fraternal Order of Police (FOP), Greene County Lodge No. 37/Ohio Labor Council, as identified in Section 260.23(b), shall be paid wages consistent with the terms and conditions of the bargaining agreement entered into between the City and such employee organization.~~

~~(c) Employees of the City in positions eligible to be represented by the International Association of Fire Fighters (IAFF), Local 698, as identified in Section 260.23(c), shall be paid wages consistent with the terms and conditions of the bargaining agreement entered into between the City and such employee organization.~~

~~(d) Employees of the City in positions eligible to be represented by the Fraternal Order of Police (FOP), Greene County Lodge No. 37/Ohio Labor Council, as identified in Section 260.23(d), shall be paid wages consistent with the terms and conditions of the bargaining agreement entered into between the City and such employee organization.~~

~~(e) Employees of the City in positions eligible to be represented by the International Association of Fire Fighters, Local 698, as identified in Section 260.23(e), shall be paid wages consistent with the terms and conditions of the bargaining agreement entered into between the City and such employee organization.~~

~~(f) Employees, including Council appointed employees, of the City in positions not specifically covered in 260.23 shall be paid wages as determined by Council in accordance with the terms and conditions of the City of Xenia Employees' Benefits Manual, as the same may be amended and revised from time to time by Council.~~

260.03 BONDS; LIABILITY INSURANCE.
PAY SOURCES [Moved to 260.05]

(a) Liability Insurance. All officers and employees of the City shall be covered by a policy or policies of insurance against liability for injury, death, or loss to person or property that occurs in the course of their employment or official responsibilities for the City.

Statutory reference: ORC 9.83

~~Distribution of Compensation. All employees listed below shall have their compensation, including fringe benefits, distributed among the various Departments and charges to the various funds for which services are performed. The following employees shall be paid from the various funds herein specified in the percentages herein specified:~~

Position Title	General	Municipal Court	Street	State Rt. Repair	Police & Fire	Garage	Water	Sewer	Sanitation	Parking	Storm	Housing	Loan Trust
<i>City Manager's Office</i>													
City Manager	30		17				23	23	7				
Asst. City Manager	20		20				25	25	10				
Secretary to City Manager	21		19				25	25	10				
Management Analyst—CMO	41		17				21	20	1				
Secretary—CMO	21		19				27	27	6				
Clerk Typist—CMO	21		19				27	27	6				
Public Relations Coordinator	30		20				20	20	10				
<i>Department of Human Resources</i>													
Human Resources Director	21		17				31	30	1				
HR Technician	41		17				20	21	1				
<i>Department of Development</i>													
Development Director	80						10	10					
Community Development Coordinator	80						10	10					
Development Department Secretary	70						10	10	10				
<i>Department of Public Safety</i>													
Director of Homeland Safety/Risk Management	30						30	30	10				
Deputy Fire Chief	70						15	15					

Police Service Aide (Parking Function)					50					50			
<i>Department of Public Service</i>													
Public Service Director/Engineer	40		20				25	25	40			40	
Public Service Director			25				25	25	25				
Management Analyst PS	15		20				30	25	40				
Clerk Typist/Secretary (PS/Engineering)	60		10				12.5	12.5	0.5				
Clerk Typist/Secretary PS	20		25				25	20	40				
City Engineer	15		25				25	25				40	
Asst. City Engineer	40		10				30	30	40			40	
Construction Inspector	25		25				25	25					
Engineering Technician	40		10				35	35				40	
Engineering Project Manager	25		25				25	25					
GIS Analyst	40		10				35	35				40	
PS Maintenance Supervisor—Utilities & Streets			25				30	30				15	
PS Maintenance Supervisor—Facilities & Fleet	20		20	5			20	20	15				
Maintenance Supervisor			23.4				33.3	33.3				40	
Utilities Superintendent							35	55	40				
Maintenance Superintendent			33.4				33.3	33.3					
Maintenance Foreman			33.4				33.3	33.3					
Equipment Operator I & II			33.3				33.4	33.3					
Electrician			33.3				33.3	33.4					
Maintenance Worker	8		18	2			28	28	8			8	
Laborer	16		17	12			17	17	21				
Facility/Grounds Attendant—JC—18%—CAB—19%	37		5		32		40	40	6				
<i>Department of Planning and Zoning</i>													
City Planner	54						22	22	2				
Code Enforcement Officer	50								50				
Zoning Enforcement Officer	60						20	20					
<i>Department of Finance</i>													
Finance Director	30		10				23	23	13				1
Asst. Finance Director	35		10				20.5	20.5	13				1
Finance Technician	20					15		28.5	28.5	5			3
Finance Clerk (Finance Office)	20		20				25	25	9	1			
City Clerk	25		15				26	26	8				
Accounts Receivable Manager (Income Tax)	40						25	25	25	10			
Accounts Receivable Office Supervisor							32	32	31	5			

(Utility Billing)													
Finance Clerk (Utility Billing)							33.4	33.3	33.3				
IT Director	32	8	15				20	20	5				
Management Analyst - IT	32	8	15				20	20	5				
IT Analyst	32	8	15				20	20	5				
IT Technician	32	8	15				20	20	5				
Network Administrator	32	8	15				20	20	5				
Systems Administrator	32	8	15				20	20	5				
<i>Department of Law</i>													
Law Director	35						27	27	11				
Legal Assistant to Law Director	40						25	25	10				
City Prosecutor	100												

(b) Faithful Performance Insurance Policy. All officers and employees of the City, including employees of the Xenia Municipal Court, shall be covered by a faithful performance of duty policy of insurance to protect against losses that would otherwise be protected under a surety bond, as set forth in ORC 3.061.

Statutory reference: ORC 3.061

(c) Individual Bonds Required. Notwithstanding any other division of this section, the Xenia Municipal Court Judge may, in his or her discretion, require an individual bond from the Clerk of Courts, as set forth in ORC 1901.31.

(Ord. 2022-13. Adopted **/**/22)

260.04 **ORGANIZATIONAL PLAN; PAY PLAN.**

HOLIDAYS [Moved to 260.11]

(a) Organizational Plan.

(1) The Administrative Steering Committee shall recommend to City Council an Organizational Plan, including any amendments thereto, for all City positions, whether classified or unclassified, considering the duties, authority and responsibility for each position. Council shall approve the Organizational Plan, with or without amendment, by resolution.

(2) The Administrative Steering Committee shall establish, and may amend, position descriptions for each position listed in the Organizational Plan, which descriptions shall include the employment requirements, licensure requirements, essential functions, and other responsibilities for each position.

(b) Pay Plan. City Council shall, by resolution, approve a yearly Pay Plan setting forth the compensation, including the minimum and maximum for each pay grade or pay range, for all positions within the Organizational Plan. Such Pay Plan may be for a single year or multiple years, but in no case shall the Pay Plan set wages for a period longer than three (3) years.

(Ord. 2022-13. Adopted **/**/22)

260.05 **PAY SOURCES.**
~~DEFERRED COMPENSATION.~~

City Council shall, by resolution, establish a pay source policy whereby certain employees shall have their compensation, including fringe benefits, distributed among the various City funds for which the employee provides services by the percentages per fund established by Council in the resolution.

(Ord. 2022-13. Adopted **//2022)**

~~(a) The City hereby adopts a plan under the Ohio Public Employees Deferred Compensation Program and shall properly contract with any eligible employee who desires to participate in the plan.~~

~~(b) The City's plan shall be the uniform plan as promulgated by and as amended from time to time by the Ohio Public Employees Deferred Compensation Board.~~

~~(c) The Board and its Administrator are hereby authorized to administer the plan under the Program and to do all things necessary or proper for the administration of the plan, consistent with the enabling statute and all the rules and regulations of the Board, whether in the Ohio Administrative Code or otherwise, and consistent with the program adoption agreement executed by the City.~~

~~(d) The City Manager is hereby authorized and directed to execute the program adoption agreement.~~

~~(e) Consistent with the agreement and the rules and regulations of the Board, the proper officials, officers, employees and agents of the City are hereby authorized to provide the Board and its Administrator with any information they may properly require for the administration of the plan under the Program.~~

(EDITOR'S NOTE: This policy was enacted by Resolution 89 E (01/26/89). Although not a law of the City, it is provided here for reference)

260.06 PAY PERIOD.

(a) Pay Period. The compensation provided for in the annual Pay Plan shall be paid to the respective officials and employees on a bi-weekly basis, based on a fourteen (14) day pay period, beginning 12:01 a.m. on Sunday and ending at midnight on Saturday, unless otherwise provided in the annual Pay Plan or the affected employee's collective bargaining agreement.

(b) Direct Deposit Policy. Council hereby adopts a direct deposit payroll policy, whereby all compensation shall be paid to all City officials and employees by direct deposit. All officials and employees of the City shall provide a written authorization designating a financial institution and an account number to which payment of the official's or employee's compensation shall be credited. Such written authorization shall not be considered a public record.

Statutory reference: ORC 9.37

(c) Required Deductions. Payment of compensation to officials and employees shall be made after withholding the appropriate deductions for:

(1) Federal income tax, state income tax, city income tax, Medicaid, and Social Security contributions;

Statutory reference: ORC 9.42

(2) Insurance contributions and retirement plan contributions, as applicable;

(3) Other deductions that may be required by law or by court order; and

(4) Elective deductions by the employee for the purchase of U.S. saving bonds.

Statutory reference: ORC 9.40

(d) Elective Deductions. The Administrative Steering Committee may establish a personnel policy allowing other elective deductions from the salary or wages of any official or employee, which may include but is not limited to:

- (1) Deductions for credit union savings;
Statutory reference: ORC 9.43
- (2) Deductions for payment to a nonprofit debt pooling company, nonprofit budget and debt counseling service or for payment or compromise of any account, note, or other indebtedness;
Statutory reference: ORC 9.45
- (3) Contributions to one (1) or more specified charitable agencies that are corporations not-for-profit, community chests, united funds, or other similar united community fund organizations; and/or
Statutory reference: ORC 9.80, 9.81
- (4) Contributions to Ohio's Deferred Compensation Plan or other approved 457 deferred compensation plan.
(Ord. 2022-13. Adopted **/**/22)

260.07 RETIREMENT CONTRIBUTIONS.

(a) Ohio Public Employee Retirement System. The full amount of the statutorily required employee contribution to the Ohio Public Employee Retirement System (OPERS) shall be withheld from the gross pay of each City employee eligible to participate in OPERS.

(b) Ohio Police & Fire Pension Fund. The full amount of the statutorily required employee contribution to the Ohio Police & Fire Pension Fund (OP&F) shall be withheld from the gross pay of each City employee eligible to participate in OP&F.

(c) Authority of the Finance Director. The Finance Director shall have the authority to implement the deductions required by this section and is hereby authorized to file any reports required by OPERS or OP&F, and to set any policies, by administrative directive, as may be necessary to implement this section.
(Ord. 2022-13. Adopted **/**/22)

260.08 OVERTIME AND COMP TIME.

(a) Designation of Work Period. The Fair Labor Standards Act (FLSA) requires employers to designate a "work period" for purposes of calculating overtime, which usually corresponds with the workweek, but need not do so. Only covered, nonexempt employees are entitled to overtime. For the purposes of payroll and for the calculation of overtime, the following are hereby designated as work periods:

- (1) Except as provided in division (a)(2) or (a)(3) of this section, for covered, nonexempt employees, the work period will be forty (40) hours during a seven (7) consecutive day period, beginning at 12:01 a.m. on Sunday and ending at midnight on Saturday.
- (2) For covered, nonexempt employees in the City's Fire Division, the work period will be two hundred twelve (212) hours in a twenty-eight (28) consecutive day period, beginning at 7:00 a.m. on Sunday and ending at 6:59 a.m. on Sunday.
- (3) For covered, nonexempt employees in the City's Police Division and Dispatch Division, the work period will be eighty (80) hours in a fourteen (14) consecutive day period, beginning at 12:01 a.m. on Sunday and ending at midnight on Saturday.

(b) Calculation of Overtime. Except as provided in division (c) of this section, each covered, nonexempt employee, as specified by the FLSA, who is in active pay status shall be entitled to overtime compensation as follows:

(1) Nonexempt:

A. Any covered, nonexempt employee whose regularly scheduled work period is as defined in division (a)(1) of this section shall receive compensation at one and one-half (1.5) times his or her regular hourly rate, or shall receive compensatory time off at one and one-half (1.5) hours, for each hour or part thereof worked in excess of forty (40) hours per seven (7) day work period.

B. Any covered, nonexempt employee whose regularly scheduled work period is as defined in division (a)(2) of this section shall receive overtime compensation as set forth in the employee's applicable collective bargaining agreement.

C. Any covered, nonexempt employee whose regularly scheduled work period is as defined in division (a)(3) of this section shall receive overtime compensation as set forth in the employee's applicable collective bargaining agreement.

(2) Exempt: Employees in positions designated as exempt are not governed by this policy and are not eligible for overtime pay; however, an exempt employee may be granted time away from work without the use of paid leave, at the discretion of the employee's appointed official, in recognition of the extra time such employee works beyond the City's standard business hours.

(c) Compensatory Time.

(1) Covered, nonexempt employees in active pay status may elect to accrue compensatory time ("comp time") in lieu of overtime compensation, at the rate of one and one-half (1.5) times the overtime worked by the employee, and the accumulation of such comp time shall be limited to a maximum of one hundred twenty (120) hours. Any overtime hours worked in excess of one hundred twenty (120) hours shall automatically be paid as overtime in accordance with division (b) of this section.

(2) An employee may carry over a maximum of forty (40) hours of comp time to the next calendar year upon written request to the Finance Director on or before November 1st of each year. All accumulated comp time that remains unused as of November 1st of each year, excluding any amount that has been requested for carry over in accordance with this section, shall be paid to the employee on or before December 1st at the employee's current rate of pay.

(3) Upon separation of employment for any reason, the employee shall be paid any accumulated comp time at the employee's then hourly rate.

(d) Flex Time. Council hereby authorizes the various departments and divisions of the City to utilize "time-off," or "flexible hours," in order to avoid having employees work in excess of their regular hours in a work period in accordance with the personnel policy established by the Administrative Steering Committee. This authorization of flex time is not designed to prohibit overtime; rather, its purpose is to help the City avoid unnecessary overtime, to the extent it can do so and still provide requisite levels of service, without undue interruption to scheduling or service to the public.

(e) Personnel Policy. The Administrative Steering Committee shall establish and maintain a policy or policies in the City's Personnel Policy Manual regarding the calculation and payment of overtime; the calculation, administration, approval, and use, and payment of compensatory time; the administration and use of flex time, and other related matters.

(Ord. 2022-13. Adopted **//22)**

260.09 HEALTH INSURANCE.

(a) Health Insurance.

- (1) The City shall provide a plan of group health insurance for all eligible employees of the City, and such plan shall be approved by City Council, by resolution. Dental, eye care, or other supplemental insurance may be provided under the group plan or under separate policy, as approved by Council in the resolution.**
- (2) The group health insurance plan may include health insurance coverage for eligible employees, their spouses and dependents.**
- (3) If the group health insurance plan includes health savings accounts (HSAs), the City may make pretax contributions to an employee's HSA in amounts approved by Council in the Pay Plan or by separate resolution.**
- (4) City Council shall have the sole authority to determine the types of health insurance benefits offered, to determine insurance carriers, to establish a program of self-insurance, or to authorize participation in an insurance pool.**

(b) Insurance Premiums. The employee's share of the insurance premiums shall be paid monthly, by payroll deduction made twice a month, as follows:

- (1) Employees hired prior to September 1, 2003, shall pay fifteen percent (15%) of the monthly premium(s).**
- (2) Employees hired on or after September 1, 2003, shall pay twenty percent (20%) of the monthly premium(s).**
- (3) The City shall pay no more than fifty percent (50%) of any monthly premiums for dental insurance.**

(c) Compensation in Lieu of Benefits (Opt-Out Program).

- (1) Council may, as a part of the Pay Plan or by separate resolution, authorize an insurance "opt-out" program that provides compensation in lieu of insurance coverage for eligible employees who voluntarily waive participation in the City's group health insurance plan by enrolling in alternate health insurance coverage.**
- (2) In the event spouses or a parent and eligible dependent are both employed by the City, if the spouses, or parent and eligible dependent, are enrolled on the City's group health insurance plan, neither spouse, nor the parent or dependent child, shall be eligible for participation in any opt-out program.**

(d) Working Dependent Surcharge. Council may, as a part of the Pay Plan or by separate resolution, authorize a working dependent surcharge program for employees who have a dependent (spouse or child) who has access to health insurance coverage through the dependent's employer. The amount of such surcharge shall be deducted from the employee's paycheck biweekly or as otherwise required.

(e) Personnel Policy. The Administrative Steering Committee shall establish and maintain a policy or policies in the City's Personnel Policy Manual regarding eligibility for and participation in the group health insurance plan approved by the City Council, as well as any authorized opt-out program, working dependent surcharge program, voluntary insurance program, and any other related matters.

(f) City Council Members. Members of the City Council, including the Mayor, may participate in the City's group health insurance plan, subject to the same eligibility and participation requirements for City employees as set forth in the City's Personnel Policy Manual;

provided, however, that the Council member's share of the insurance premiums shall be one hundred percent (100%) of such premiums to be paid monthly, by payroll deduction.
(Ord. 2022-13. Adopted **//22)**

260.10 LIFE INSURANCE.

(a) Life Insurance.

- (1) The City shall provide all full-time, nonunion employees with group term life insurance in the amount of fifty thousand dollars (\$50,000), and accidental death and dismemberment insurance in the amount of fifty thousand dollars (\$50,000).**
- (2) Union employees may be provided group term life insurance and accidental death and dismemberment insurance in the amounts agreed to in the employee's applicable collective bargaining agreement.**

(b) Personnel Policy. The Administrative Steering Committee shall establish and maintain a policy or policies in the City's Personnel Policy Manual regarding eligibility for and participation in the group term life insurance, accidental death and dismemberment insurance, and other related matters.

(c) City Council Members. Members of the City Council, including the Mayor, may participate in the City's life insurance plan and/or accidental death and dismemberment insurance, subject to the same eligibility and participation requirements for City employees as set forth in the City's Personnel Policy Manual; provided, however, that the Council member's share of the insurance premiums shall be one hundred percent (100%) of the monthly premiums to be paid monthly, by payroll deduction.
(Ord. 2022-13. Adopted **//22)**

260.11 ~~260.04~~ HOLIDAYS.

(a) City Holidays. The following days are hereby designated as City holidays for the purposes of setting work schedules for the various City Departments and Divisions, and such days shall be deemed as paid holidays, to be paid as regular hours, for all full-time City employees, and may be deemed as paid holidays for all part-time City employees on a pro-rated basis, in the discretion of the appropriate appointed official or the Municipal Court Judge, except as otherwise provided herein or as otherwise provided in the employee's applicable collective bargaining agreement:

New Year's Day	January 1 st (all day)
Martin Luther King Jr. Day	Third Monday in January (all day)
Presidents Day	Third Monday in February (all day)
Memorial Day	Last Monday in May (all day)
Juneteenth National Independence Day	June 19 th (all day)
Independence Day	July 4 th (all day)
Labor Day	First Monday in September (all day)
Veterans Day	November 11 th (all day)
Thanksgiving Day	Fourth Thursday in November (all day)
Day after Thanksgiving	Fourth Friday in November (all day)
Christmas Eve	December 24 th (half day)
Christmas Day	December 25 th (all day)
New Year's Eve	December 31 st (half day)

(b) Observance. If June 19th, July 4th or Veterans Day falls on a Saturday, the holiday will be observed on the preceding day. If June 19th, July 4th or Veterans Day falls on a Sunday, the holiday will be observed on the next succeeding day. If Christmas Eve/New Year's Eve and Christmas Day/New Year's Day fall on Friday and Saturday, respectively, the Eve will be observed on Thursday and the Day observed on Friday. If Christmas Eve/New Year's Eve and Christmas Day/New Year's Day fall on a Saturday and Sunday, respectively, the Eve will be observed on Friday and the Day observed on Monday. If Christmas Eve/New Year's Eve and Christmas Day/New Year's Day fall on a Sunday and Monday, respectively, the Eve will be observed on Friday and the Day observed on Monday.

(c) Flex Holiday Time. In addition to the above-listed City holidays, each appointed official, consisting of the City Manager, the Finance Director and the Law Director, and the Judge of the Xenia Municipal Court, without order of the Court, may set and grant an additional eight (8) hours of holiday pay per year to their respective full-time employees, and may be deemed as paid holidays for all part-time City employees on a pro-rated basis, in the discretion of the appropriate appointed official or the Municipal Court Judge, to be paid as regular hours, for the Departments and Divisions under their control, except as otherwise provided herein or as otherwise provided in the employee's applicable collective bargaining agreement. Such holiday time shall be set in the discretion of the appointed official or the Xenia Municipal Court Judge, but such time shall be scheduled and published for the various Departments and Divisions no later than January 15th of each year.

(d) Pay. **An employee who is not scheduled to work on a holiday shall be paid at the employee's regular rate of pay, up to a maximum of eight (8) hours, for the holiday. An employee who works on a holiday shall be paid at one and one-half (1.5) times the employee's regular rate of pay for actual hours worked on the holiday and at the employee's regular rate of pay for any remaining hours, up to eight (8) hours total.**

(e) Xenia Municipal Court. Nothing in this section shall be deemed to affect or limit the authority of the Xenia Municipal Court Judge, in his sole discretion, to set the Court's yearly work and holiday schedule, upon an order from the Court.

(f) Personnel Policy. **The Administrative Steering Committee shall establish and maintain a policy or policies in the City's Personnel Policy Manual regarding eligibility for holiday pay and other related matters.**

(Ord. 2020-13. Adopted 05/28/20; Ord. 2022-05. Adopted 03/10/22; **Ord. 2022-13. Adopted **/**/22**)

260.12 SICK LEAVE.

(a) Award of Sick Leave Credits. **Each regular, full-time employee of the City shall be entitled to 0.0577 hours of sick leave credit for each completed hour in active pay status. Part-time, seasonal, student, external, temporary, volunteer, or other nonpermanent employees shall not be entitled to sick leave credits.**

(b) Accumulation. **Sick leave accumulation for all full-time employees shall be capped at a maximum of two thousand eighty (2,080) hours.**

(c) Transfers. **An employee who transfers to City employment from another public agency shall be credited with the unused, accumulated balance of the employee's accumulated sick leave with the other public agency, up to the maximum accumulation permitted under division (b) of this section, upon proper certification of the unused, accumulated sick leave balance from the employee's prior public agency employer.**

(d) Reinstatements. An employee’s accumulated, unused sick leave that the employee does not elect to be paid for under division (e) of this section shall be placed to the employee’s credit upon the employee’s reemployment with the City, provided that the reemployment takes place within ten (10) years of the date on which the employee was separated from public service with the City. The ten (10) year period shall be tolled for any period during which the employee holds elective public office, whether by election or by appointment.

(e) Payment upon Separation.

(1) Upon separation of employment for any reason, subject to the limitations of this division, an employee with at least one (1) full year of employment with the City may elect to be paid for accumulated and unused sick leave earned up to the date of separation. Such payment will be equal to the employee’s current hourly rate of pay, times the number of accumulated, unused sick leave credits (up to a maximum of 1,400 hours), times a percentage credit. The percentage credit will be a minimum of five percent (5%) plus an additional one percent (1%) for every thirty-two (32) hours of accumulated, unused sick leave expressed as:

$$\% \text{ credit} = 5\% + H/32$$

where “H” is the accumulated, unused sick leave hours (up to a maximum of 1,400 hours) at separation of employment. In all cases, the percentage credit shall not exceed 48.75.

(2) In case of death of a current employee with at least one (1) full year of employment with the City, payment will be made, in accordance with this division, to the employee’s estate or legal beneficiaries in accordance with state law.

(3) Payment made for accumulated, unused sick leave shall eliminate all sick leave credit accrued but unused by the employee at the time payment is made.

(4) If the employee does not elect to receive payment, the employee’s unused sick leave shall remain to the employee’s credit for a period of ten (10) years from the date of the employee’s termination or resignation, at which time such sick leave shall expire and no longer be valid. The employee’s sick leave will credited to him or her upon his or her reemployment with the City or transferred to another public agency within said ten (10) year period, in accordance with ORC 124.38.

(f) Personnel Policy. The Administrative Steering Committee shall establish and maintain a policy or policies in the City’s Personnel Policy Manual regarding the use of sick leave, donation of sick leave, wellness incentives, any disciplinary procedures regarding the abuse or misuse of sick leave, and other related matters.
(Ord. 2022-13. Adopted **//22)**

260.13 VACATION.

(a) Award of Vacation Credits.

(1) Each regular, full-time employee of the City shall be entitled to vacation leave credit for each completed hour in active pay status as follows:

<u>Length of Service (Complete Years)</u>	<u>Hourly Accrual Rate</u>	<u>Annual Rate</u>	<u>Maximum Accumulation</u>	<u>Maximum Payout</u>
<u>Less than 5 years</u>	<u>0.04616</u>	<u>12 days</u>	<u>240</u>	<u>240</u>

<u>5 years to 10 years</u>	<u>0.05769</u>	<u>15 days</u>	<u>240</u>	<u>240</u>
<u>10 years to 15 years</u>	<u>0.06924</u>	<u>18 days</u>	<u>360</u>	<u>360</u>
<u>15 years to 20 years</u>	<u>0.08076</u>	<u>21 days</u>	<u>360</u>	<u>360</u>
<u>Over 20 years</u>	<u>0.09231</u>	<u>24 days</u>	<u>360</u>	<u>360</u>

(2) Part-time, seasonal, student, external, temporary, volunteer, or other nonpermanent employees shall not be entitled to vacation leave credits.

(b) Accumulation. Vacation leave accumulation for all full-time employees shall be capped as provided in division (a)(1) of this section based on an employee’s length of service.

(c) Prior Service Credit. Beginning on the effective date of this division:

(1) Employees hired before July 5, 1987: A person employed by the City who is currently earning vacation credits under employment with the State, any political subdivision of the State, or the armed forces is entitled to have the employee’s prior service with the State, the political subdivision, or the armed forces counted as service with the City for the purpose of computing the employee’s hourly vacation credit accrual rate upon hire.

(2) Employees hired on or after July 5, 1987: A person employed by the City who is currently under employment with the State, any political subdivision of the State, or the armed forces is entitled to have six (6) years of the employee’s prior service with the State or any political subdivision of the State counted as service with the City for the purpose of computing the employee’s hourly vacation credit accrual rate upon hire, upon proper certification of the employee’s prior service from the State, the political subdivision of the State, or the armed forces.
Statutory reference: ORC 9.44

(3) The Administrative Steering Committee is hereby authorized to establish a personnel policy whereby City Council or the appointed official may grant prior service credit for non-Ohio public service or private sector service to a hiree for an unclassified, nonunion position, up to a maximum of six (6) years for the hiree’s prior employment, for the purpose of computing the employee’s hourly vacation credit accrual rate upon hire.

(4) For any employee hired prior to the effective date of this division, the prior service credit rules in effect at the time of that employee’s hire shall control and no employee shall be entitled to retroactive accrual credits.

(d) Transfers. For employees hired on or after the effective date of this division:

(1) A person hired by the City who is currently earning vacation credits under employment with the State, any political subdivision of the State, or the armed forces may transfer up to a maximum of eighty (80) hours of unused, accumulated vacation leave with the State, political subdivision, or armed forces, upon proper certification of the unused, accumulated sick leave balance from the State, political subdivision or armed forces. Any hours transferred shall not be eligible for payment under division (e) of this section and shall be used before any vacation credits earned from City employment.

(2) The Administrative Steering Committee is hereby authorized to establish a personnel policy whereby City Council, for employees hired by Council, or the hiree’s appointed official, may authorize the transfer of up to a maximum of eighty (80) hours of

unused, accumulated vacation leave from the hiree's then current non-Ohio public service or private sector service for unclassified, nonunion positions.

(e) Payment upon Separation. An employee who resigns or dies is entitled to payment, at his or her current rate of pay, for any accumulated, unused vacation leave earned up to the time of resignation or death, up to a maximum of two hundred forty (240) or three hundred sixty (360) hours, as applicable, provided the following has occurred:

- (1) The employee has successfully completed his or her probationary period;
- (2) The employee has given proper notice of resignation; and
- (3) The employee has returned all City property in his or her possession.

An employee who is terminated for just cause shall not be entitled to compensation for any accumulated, unused vacation leave.

(f) Personnel Policy. The Administrative Steering Committee shall establish and maintain a policy or policies in the City's Personnel Policy Manual regarding the use of vacation leave, any disciplinary procedures regarding the abuse or misuse of vacation leave, and other related matters. (Ord. 2022-13. Adopted **/**/22)

260.14 OTHER APPROVED LEAVES.

(a) Personal Leave.

- (1) Each regular, full-time employee of the City in active pay status on January 1 shall receive sixteen (16) hours of personal leave per year. Personal leave cannot be carried over to the next year and must be used in the calendar year it is earned.
- (2) Employees not in active pay status on January 1 on each year shall receive a prorated amount of personal leave proportionate to the date of hire, according to the following schedule:
 - Hired in: Quarter 1 – January 1 through March 31: Sixteen (16) hours
 - Hired in: Quarter 2 – April 1 through June 30: Twelve (12) hours
 - Hired in: Quarter 3 – July 1 through September 30: Eight (8) hours
 - Hired in: Quarter 4 – October 1 through December 31: Zero (0) hours
- (3) Employees shall not be paid for unused personal leave upon their separation from employment for any reason. Personal leave is not a cash benefit and may not be cashed out.

(b) Injury Leave. Any regular, full-time or part-time employee who becomes unable to perform the duties of his or her position due to a physical injury or illness suffered in the discharge or performance of his or her official duties, except for gross negligence, recklessness, or intentional self-injury, may be placed on injury leave (i.e., salary continuation), up to a maximum of seven hundred twenty (720) hours. Such employee shall continue to receive his or her regular straight time daily rate of pay while on injury leave. Said injury leave shall be paid in full by the City, shall be in lieu of Workers' Compensation lost wage benefits or temporary total compensation chargeable to the City, and the employee on injury leave may apply to the Bureau of Workers' Compensation for medical benefits only.

(c) Military Leave.

- (1) Leave of absence without loss of pay shall be provided for all officers and employees of the City who are members of the Ohio organized militia or other reserve components of the U.S. armed forces, including the Ohio National Guard, for such time as they are performing service in the uniformed services for periods of up to twenty-two (22) eight (8) hour work days [176 hours], or for employees of the City's

Fire Division, seventeen (17) twenty-four (24) hour work days [408 hours] within one federal fiscal year (October 1 – September 30).

Statutory Reference: ORC 5923.05

- (2) Any personnel policies established by the Administrative Steering Committee regarding Military Leave shall also comply with the Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA).

(d) Family and Medical Leave. The Administrative Steering Committee shall establish a family medical leave policy in the Personnel Policy Manual that complies with the Family and Medical Leave Act of 1993 and the National Defense Authorization Act.

(e) Other Leaves. Other leaves, such as court leave, bereavement leave, disability leave, paid or unpaid administrative leave, or leaves of absence may established by the Administrative Steering Committee in the Personnel Policy Manual.

(f) Personnel Policy. The Administrative Steering Committee shall establish and maintain policies in the City’s Personnel Policy Manual regarding the use of any leave established or authorized under this section, return to work provisions, any disciplinary procedures regarding the abuse or misuse of such leave, and other related matters.
(Ord. 2022-13. Adopted **/**/22)

260.15 LONGEVITY.

(a) Longevity Benefits. All nonunion, full-time and part-time employees of the City shall be eligible for a longevity benefit based upon their length of continuous employment with the City as of November 1st of each year. Such longevity benefit shall be paid annually on the first pay period after November 1st and shall be computed as follows:

- (1) Upon five (5) years of continuous service, the employee shall be paid one hundred seventy-five dollars (\$175).
(2) For each additional year of continuous service over five (5) years, the employee’s longevity benefit shall be increased by an additional thirty-five dollars (\$35) per year.

(b) Continuous Service. For the purposes of this section, when calculating years of continuous service, two thousand eighty (2080) hours in active pay status will be deemed the equivalent of one (1) year of continuous service.

(c) Seasonal and Temporary Employees. Employees who are employed on a seasonal or temporary basis are not eligible for longevity benefits.

(d) Personnel Policy. The Administrative Steering Committee shall establish and maintain policies in the City’s Personnel Policy Manual regarding payment of longevity pay and other related matters.
(Ord. 2022-13. Adopted **/**/22)

260.16 TUITION REIMBURSEMENT.

(a) Tuition Reimbursement Program. The Administrative Steering Committee is hereby authorized to establish, by personnel policy in the Personnel Policy Manual, a tuition reimbursement program to reward City employees’ efforts to further their education and improve their skills, thereby enhancing their job performance. Such tuition reimbursement program shall be limited by Council’s appropriations for said program.

(b) Eligible Courses of Study. The established tuition reimbursement program shall be limited to courses of study that are reasonably related to the employee's job, as established by the Administrative Steering Committee.

(c) Maximum Reimbursement. The maximum amount an employee may be reimbursed for tuition costs shall be limited to five thousand dollars (\$5,000) per calendar year, per employee. (Ord. 2022-13. Adopted **/**/22)

260.17 UNIFORMS AND EQUIPMENT.

(a) Furnished by City. A City employee who is required to wear City uniforms and/or carry City equipment shall be furnished such uniforms and/or equipment at City expense, or provided a stipend by the City for the employee to furnish himself or herself with such required uniforms and/or equipment, upon authorization of the employee's department or division head and the employee's appointing authority.

(b) Return. Upon an employee's separation from City employment for any reason, the employee shall return to the City any provided uniforms and/or equipment, or any uniforms and/or equipment purchased with a City-provided stipend, on or before the employee's last day of employment. The Finance Director is hereby authorized to withhold an employee's final paycheck until such items are returned to the City, and if the employee has not returned such items within thirty (30) days of the employee's last day of employment, the Finance Director is hereby authorized to deduct the cost of such items from any final pay due to the employee.

(c) Personnel Policy. The Administrative Steering Committee shall establish and maintain a policy or policies in the City's Personnel Policy Manual regarding the provision of uniforms and/or equipment to employees, the care and maintenance of such uniforms and/or equipment, disciplinary procedures regarding the abuse or misuse of such items, and other related matters. (Ord. 2022-13. Adopted **/**/22)

260.18 CERTAIN PERSONNEL EXPENSES.

~~BONDS.~~ [\[Moved to 260.03\]](#)

(a) Allowable Expenditures. The Finance Director is hereby authorized to draw warrants on the General Fund for payment of the following personnel expenditures, if funds for the same have been appropriated by the Council:

- (1) Plaques, certificates, gift cards and other items of recognition and appreciation;**
- (2) Cards, flowers and similar expressions of sympathy or get-well wishes;**
- (3) Refreshments for general meeting purposes, retirement receptions, employee recognition dinners, etc.; and/or**
- (4) Any other personnel expenditure specifically authorized by the Council by resolution.**

~~All officers and employees of the City shall give a surety bond for the faithful performance of their respective duties in the sum of one hundred thousand dollars (\$100,000) each. A blanket surety bond shall be contracted for by the Finance Director. When equivalent coverage is obtained for all officers and employees through the city's general liability insurance policy, this requirement for a surety bond shall be waived.~~

(b) Effect. Expenditures listed in division (a) of this section shall not be considered personal gain or compensation for official duties.

~~Municipal Court. The Clerk, the Bailiff and the Deputy Bailiff of the Municipal Court are required by ORC 1901.31 and 1901.32 to give an individual bond.~~

(c) Personnel Policy. The Administrative Steering Committee shall establish and maintain a policy or policies regarding the personnel expenditures authorized by this section and other related matters.

(Ord. 2022-13. Adopted **//22)**

~~Finance Director. The Finance Director of the City shall give an individual surety bond for faithful performance in the amount of one hundred thousand dollars (\$100,000.00).~~

~~(d) Premiums. It shall be the duty of the Finance Director to procure the blanket surety bond and other bonds required by this section and to pay the premiums on such bonds out of the City Treasury.~~

260.19 PERSONNEL POLICY MANUAL.

(a) Purpose. To provide quality services to the citizens of this City, there is a need to provide guidance for the administration of those services and to establish employment policies to bring a sense of order and unity to the workplace. The purpose of the Personnel Policy Manual shall be to establish policies, rules, and regulations governing the provision of high-quality services to the citizens and to achieve a high degree of understanding, cooperation, efficiency, and unity among the City's employees. The Personnel Policy Manual is intended to establish systematic and equitable procedures and regulations that provide uniform policies for the administration of all City employees, within both the classified and unclassified service, and to promote the professional management of the City's business.

(b) Development. The Administrative Steering Committee shall develop the policies, rules and regulations, as well as any amendments thereto, pertaining to the methods of compensation and fringe benefits approved by Council in this chapter, along with personnel management policies in the Personnel Policy Manual.

(c) Composition. The Personnel Policy Manual shall include:

- (1) Provisions dealing with the administration and use of overtime, holidays, personal days, vacation, compensatory time, flex time, sick leave, family medical leave, injury leave, bereavement leave, longevity compensation, retirement plans and insurance plans, and any other fringe benefits authorized by Council under this chapter.**
- (2) Provisions providing policies and procedures for discipline of City employees, including causes for, and suspension, demotion, or removal, as well as for appeals to the Civil Service Commission from suspensions, demotions or removals of all officers and employees in the classified service whose employment is not covered by a collective bargaining agreement.**
- (3) Procedures for the in-house resolution of complaints or grievances to ensure employees' questions, grievances or complaints arising from misunderstandings and the application of the Manual's policies, procedures, rules, and regulations are promptly heard, answered and action taken to resolve the issues.**
- (4) Policies and procedures governing equal opportunity employment, employment eligibility verification, nepotism, nondiscrimination, workers' compensation, unemployment compensation, health insurance following separation, and any other policies or procedures necessary to comply with federal or state law.**
- (5) Any other practices and procedures necessary for the administration and management of City personnel.**

(d) Application.

- (1) If there is a conflict between the provisions of the Manual and the specific provision of a collective bargaining agreement entered into between the City and a group of**

employees, the terms of the collective bargaining agreement shall prevail only as to those employees covered by the agreement.

- (2) If a collective bargaining agreement is silent as to any matter covered by the Manual, the Manual shall prevail and apply to those employees covered by that collective bargaining agreement, except as otherwise provided in the Manual.
- (3) The City Charter and any City ordinances shall prevail in the event of a conflict between the policies, rules and procedures contained in the Manual and the Charter or ordinance.

(e) Use of Manual. An up-to-date copy of the Personnel Policy Manual shall be made readily available to all employees. Upon employment, all new hires will be required to sign a statement that he or she is aware of the Manual and its availability, and that he or she understands that his or her employment is governed by the policies, rules, regulations and procedures contained therein. The signed employee statement shall be placed in the employee's personnel file.
(Ord. 2022-13. Adopted **/**/22)

260.20 PAYMENT OF LEAVE UPON RETIREMENT.
PICK UP OF CONTRIBUTIONS TO PUBLIC EMPLOYEES RETIREMENT SYSTEM
OF OHIO.

(a) Sick Leave. Upon retirement, an employee may:

(1) Elect to receive payment for unused sick leave accrued up to the employee's date of retirement in accordance with Section 260.12(e);

~~Subject to subsection (b) of this section, the full amount of the statutorily required contribution to the Public Employees Retirement System of Ohio (PERS) shall be withheld from the gross pay of each person within the classes established in subsection (b) of this section and shall be "picked up" (assumed and paid to the PERS of Ohio) by the City. This pick up by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the PERS by each person within the classes established in subsection (b) of this section. No person subject to this pick up shall have the option of choosing to receive the statutorily required contribution to the PERS directly instead of having it picked up by the City or of being excluded from the pick up.~~

(2) If the employee is to be rehired pursuant to Section 260.21 of this chapter, the employee may elect to carry over all accrued unused sick leave, up to a maximum of two thousand eighty (2080) hours, or the employee may elect to carry over a maximum of seven hundred (700) hours of sick leave, and receive payment for the remaining balance up to the maximum allowed under Section 260.12(e).

~~The City shall, in reporting and making remittance to the PERS, report that the public employee's contribution for each person subject to this pick up has been made as provided by statute.~~

(3) If the employee does not elect to receive payment, the employee's unused sick leave shall remain to the employee's credit for a period of ten (10) years from the date of the employee's retirement, at which time such sick leave shall expire and no longer be valid. The employee's sick leave will be credited to him or her upon his or her reemployment with the City or transferred to another public agency within said ten (10) year period, in accordance with ORC 124.38.

(b) Vacation. Upon retirement, an employee may elect to receive payment for all unused vacation leave accrued up to the employee's date of retirement, up to a maximum of two hundred forty (240) or three hundred sixty (360) hours, as applicable or, if the employee is to be rehired

pursuant to Section 260.21 of this chapter, the employee may elect to carry over eighty (80) hours of vacation leave and receive payment for the remaining balance.

~~The pick up by the City, as provided by this section, shall apply to all persons designated in Section 260.22(a).~~

(c) Longevity. Longevity benefits for eligible employees who retire from the City's service shall be prorated to the nearest pay period for employees retiring from City service prior to November 1st of the year.

~~The gross wage or salary of any person subject to the pick up provided for in this section shall not change as a result of this pick up.~~

(d) Comp Time. Upon retirement, an employee who has any accrued, unused compensatory time shall be paid the entire accrued, unused balance at the employee's then current rate of pay. (Ord. 2022-13. Adopted **//22)**

~~The Finance Director is hereby directed to implement this section to effect the pick up of the statutorily required contributions to the PERS for those persons within the classes established in subsection (b) of this section so as to enable them to obtain the resulting federal and state tax deferrals.~~

260.21 **REHIRE OF RETIRED EMPLOYEES.**

~~PICK UP OF CONTRIBUTIONS TO POLICE AND FIRE DISABILITY AND PENSION FUND.~~

(a) Rehire. The City may rehire retired employees who have met the age and/or service requirements of their respective retirement systems and who are receiving retirement benefits in accordance with the provisions of their respective retirement system into unclassified or noncompetitive classified positions. The employee's retirement shall be considered a break in service, and the employee's new appointment date will be the date of rehire.

~~(1) Subject to the provisions of subsection (b) of this section, the full amount of the statutorily required contribution to the Ohio Police and Fire Disability and Pension Fund (PFDPF) shall be withheld from the gross pay of each person within the classes established in subsection (b) of this section and shall be "picked up" (assumed and paid to the PFDPF) by the City. This pick up by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the PFDPF by each person within the classes established in subsection (b) of this section. No person subject to this pick up shall have the option of choosing to receive the statutorily required contribution to the PFDPF directly instead of having it picked up by the City or of being excluded from the pick up.~~

~~(2) The City shall, in reporting and making remittance to the PFDPF, report that the public employee's contribution for each person subject to this pick up has been made as provided by statute.~~

(b) Pay Rate. If a retired employee is rehired to the same position he or she held at retirement, the employee's rate of pay shall not exceed the employee's rate of pay at retirement. If the rehired employee is being rehired but to a different position than he or she held at retirement, the rate of pay shall not exceed the rate of pay that would be offered to a newly hired employee in the same position.

~~The pick up by the City, as provided by this section, shall apply to all persons designated in Section 260.22(b).~~

(c) Unused Leave. Employees who are rehired may have all accrued, unused paid leave balances carried forward to the new rehire date, subject to any restrictions contained in Section 260.20 of this chapter. Said balances may be used by the employee after rehire and he or she may

cash out those balances upon final retirement or separation in accordance with City policy; provided, however, that upon rehire, the employee shall accrue leave and be eligible for benefits as a newly hired employee, in accordance with division (d) of this section.

The gross wage or salary of any person subject to the pick up provided in this section shall not change as a result of this pick up.

(d) Accrual of Leave.

(1) An employee who has retired in accordance with the provision of any retirement plan offered by the State shall not have prior service with the State, any political subdivision of the State (including the City), or a regional council of government established in accordance with ORC Chapter 167. counted for the purpose of computing vacation leave.

Statutory reference: ORC 9.44(C)

(2) Upon rehire, the employee shall accrue all leave benefits as a newly hired employee, in accordance with the Personnel Policy Manual.

(3) A retired employee who is rehired shall pay insurance premiums as a newly hired employee based on his or her rehire date.

The Finance Director is hereby directed to implement the provisions of this section to effect the pick-up of the statutorily required contributions to PFDPF for those persons within the classes established in subsection (b) of this section so as to enable them to obtain the resulting federal and state tax deferments.

(e) Employees of Council. The reemployment of any employee appointed by the City Council or by any board or commission of the City shall comply with the requirements of ORC 145.381. (Ord. 2022-13. Adopted **//22)**

~~260.22 RECOGNITION OF EMPLOYEES' ORGANIZATIONS.~~

~~(a) Recognized Organizations. The City recognizes the following organizations as collective bargaining agents for their respective members, as determined by signed cards filed with the Director of Finance:~~

- ~~(1) American Federation of State, County and Municipal Employees (A.F.S.C.M.E.), Ohio Council 8, and Local 101, Xenia Chapter;~~
- ~~(2) Fraternal Order of Police, Greene County Lodge No. 37/Ohio Labor Council; and~~
- ~~(3) International Association of Fire Fighters, Local 698.~~

~~(b) Non-union Employees. Appointing authorities are authorized to discuss wages, hours and terms or other conditions of employment with employees not eligible to be represented by employee organizations.~~

~~260.23 MEMBERSHIP IN EMPLOYEES' ORGANIZATIONS.~~

~~(a) Public Service Employees. The bargaining unit known as the American Federation of State, County and Municipal Employees (AFSCME), Ohio Council 8, and Local 101, Xenia Chapter, shall consist of full time City employees, as follows:~~

- ~~(1) Employees in the Department of Public Service under the positions of Labor and Crafts, as identified in Section 274.07, and specifically identified as to classification as follows:~~

Position	Range Number
Laborer	109

Mechanics Helper	109
Treatment Plan Attendant	110
Park Maintenance Worker	112
Refuse Truck Driver	112
Street Sweeper Operator	112
Parking Meter Service Worker	112
Maintenance Work	112
Water Meter Service Worker	113
Treatment Plant Laboratory Technician I	114
Equipment Operator	114
One Man Packer Operator	114
Maintenance Crew Leader	114
Laborer	109
Mechanics Helper	109
Treatment Plan Attendant	110
Park Maintenance Worker	112
Refuse Truck Driver	112
Street Sweeper Operator	112
Parking Meter Service Worker	112
Maintenance Work	112
Water Meter Service Worker	113
Treatment Plant Laboratory Technician I	114
Equipment Operator	114
One Man Packer Operator	114
Maintenance Crew Leader	114
Wastewater Treatment Plant Operator I	114
Water Treatment Plant Operator I	114
Wastewater Treatment Plant Semi Tractor Trailer Driver	114
Treatment Plant Mechanic	114
Equipment Mechanic	115
Wastewater Treatment Plant Operator II	117
Water Treatment Plant Operator II	117
Treatment Plant Laboratory Technician II	118

- (2) ~~New full-time employees shall be considered as part of the bargaining unit; provided, however, that they shall not have grievance or appeal rights where probationary discharge or other discipline is involved.~~
- (3) ~~Temporary, part-time and seasonal employees are not included in the bargaining unit.~~

~~(b) Police Officers. All sworn personnel of the Division of Police, in the rank of Police Officer, are eligible to be represented in collective bargaining by the Fraternal Order of Police (FOP), Greene County Lodge No. 37/Ohio Labor Council.~~

~~(c) Firefighters and Fire Lieutenants. Sworn personnel of the Division of Fire, including the ranks of Firefighter and Fire Lieutenant, but excluding the ranks of Fire Captain and Fire Chief, are eligible to be represented in collective bargaining by the International Association of Fire Fighters (IAFF), Local 698. (Ord. 85-40, Adopted 08/08/85)~~

~~(d) Police Sergeants. All members of the Division of Police above the rank of Police Officer, including Sergeants, but excluding all members of the Division below the rank of Sergeant, the Chief of the Division, those Captains who, in the absence of the Chief, are authorized to exercise the authority and perform the duties of the Chief, management level employees, confidential employees, professional employees and other employees excluded by the Ohio Revised Code, are eligible to be represented in collective bargaining by the Fraternal Order of Police (FOP), Greene County Lodge No. 37/Ohio Labor Council.~~

~~(e) Dispatchers. All employees in the classification of Communication Operator I and Communication Operator II, but excluding all other classifications of employees in the City, are eligible to be represented in collective bargaining by the Fraternal Order of Police/Ohio Labor Council.~~

~~(f) Police Captains. All members of the Division of Police in the rank of Captain are eligible to be represented in collective bargaining by the Fraternal Order of Police, Greene County Lodge No. 37/Ohio Labor Council.~~

~~260.24 WITHHOLDING OF UNION, LODGE OR ASSOCIATION DUES.~~

~~The Director of Finance is hereby authorized and directed, after receiving a voluntary individual written request signed by an eligible employee of the City, to deduct from such employee's pay an amount equal to the dues of the American Federation of State, County and Municipal Employees (AFSCME), Ohio Council 8, and Local 101, Xenia Chapter, the Fraternal Order of Police (FOP), Greene County Lodge No. 37, Ohio Labor Council, and the International Association of Fire Fighters (IAFF), Local 698, in accordance with agreements between the City and various employee organizations. Such request for withholding of union, lodge or association dues may be revoked by the employee by giving written notice consistent with terms and conditions contained in the agreement between the City and the appropriate labor group. The Director shall forward the dues so withheld to such union, lodge or association each month.~~

~~260.25 AFFIRMATIVE ACTION PLAN.~~

~~(a) Adoption of Plan. The Affirmative Action Plan of the City that was effective January 1, 1975, is hereby declared to be the Affirmative Action Plan for the City, along with any supplements or amendments thereto hereafter approved by resolution of the City Council.~~

~~(b) Implementation of Plan. The City Manager and other elected or appointed officers of the City are hereby directed to implement the Affirmative Action Plan of the City to ensure equal opportunities in City employment for all persons regardless of race, color, religion, sex, national origin, age, marital status, personal appearance, partisan political preference, handicap or membership in lawful organizations.~~

~~260.26 SPECIAL TEMPORARY EMPLOYMENT.~~

~~The City Manager is hereby authorized to employ such skilled, technical or professional labor as may be necessary for specific projects of a temporary duration at prevailing rates of pay for similar services without regard to any limitations or restrictions imposed by this Chapter. In cases of emergency affecting public safety and welfare, the City Manager or the head of any department may employ persons needed to overcome such emergencies at a rate of pay fixed without regard to any limitations or restrictions imposed by this Chapter.~~

~~260.27 EQUIPMENT RENTALS AND OPERATORS.~~

~~The City Manager is hereby authorized to rent such special equipment requiring skilled operators as may be necessary for City projects, including, as a part of the rental, the compensation of such skilled operator or operators. The rental of equipment with operators shall be at prevailing rates without regard to any limitation contained in this Chapter, and the part of such rental that constitutes compensation for personal services shall not be required to be segregated or separately fixed or determined.~~

~~260.28 CODE OF CONDUCT FOR APPOINTED OFFICIALS.~~

~~This Code of Conduct is in addition to guidelines in the Employees Benefit Manual, which applies to all employees:~~

~~(a) Gambling. Gambling of any kind, including office pools, in or on the premises of any municipal property, is prohibited and will not be condoned. No appointed official will participate in gambling with any subordinate City employee. The use of City equipment, including telephones and computers, to conduct gambling activities is prohibited.~~

~~(b) Personal Appearance. The City requires that all appointed officials present a favorable public image, which includes wearing appropriate business attire and good grooming.~~

~~(c) Smoking/Tobacco Use. The City of Xenia has established and maintains a healthful work environment. In order to accomplish this objective, all appointed officials are prohibited from the use of tobacco products while on duty. The use of tobacco products is banned on all municipal property which includes buildings, grounds, parks, and the like.~~

~~(EDITOR'S NOTE: This policy was enacted by Resolution 08-D (02/14/08). Although not a law of the City, it is provided here for reference)~~

260.90 ADMINISTRATIVE STEERING COMMITTEE.

(a) Establishment. There is hereby established an Administrative Steering Committee of the City to provide policy direction and guidance on human resources and personnel management, building security, information technology issues and projects, and any other topics or issues affecting City Departments and their Divisions that are under the direction and control of the Appointed Officials.

(b) Composition. The Administrative Steering Committee shall consist of the City Manager, the Finance Director, and the Law Director and, at the discretion of the Xenia Municipal Court Judge, a representative of the Xenia Municipal Court designated by the Judge.

(c) Duties. The Administrative Steering Committee shall:

- (1) Recommend to Council an Organizational Plan, including any amendments thereto, for all City positions, whether classified or unclassified;**
- (2) Establish and maintain, and may amend, position descriptions for each position listed in the Organizational Plan;**
- (3) Recommend to Council a yearly Pay Plan for all compensated employee positions in the City's service;**
- (4) Establish and maintain the Personnel Policy Manual.**

(Ord. 2022-13. Adopted **//22)**

260.91 DEFINITIONS.

(a) Active Pay Status. Except as otherwise defined in this chapter, “active pay status” shall mean conditions under which an employee is eligible to receive pay directly from the City (i.e., the employee is not on an unpaid leave of absence and/or suspension or paid administrative leave) and includes hours worked, vacation leave, sick leave, comp time, personal leave, or other approved paid leave.

(Ord. 2022-13. Adopted **//22)**

(b) Armed Forces. Armed Forces includes the Ohio National Guard and the active and reserve components of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or Space Force.

(Ord. 2022-13. Adopted **//22)**

(c) Continuous Service. Continuous service means regular, full-time or part-time employment with the City without any break in service. Any termination, separation, or retirement from City employment, other than a layoff, is considered a break in service.

(Ord. 2022-13. Adopted **//22)**

(d) Day or Days. Unless expressly provided as “work day(s),” a time duration specified as a number of days shall be computed as calendar days.

(Ord. 2022-13. Adopted **//22)**

(e) Employee Organization. Employee organization means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.

Statutory reference: ORC 4117.01

(f) Exclusive Representative. Exclusive representative means the employee organization certified or reorganized as an exclusive representative under ORC 4117.05.

Statutory reference: ORC 4117.01

(g) Exempt Employee. An employee whose position is exempt from the overtime provisions of the FLSA.

(Ord. 2022-13. Adopted **//22)**

(h) FLSA. The federal law(s) known as the Fair Labor Standards Act.

(Ord. 2022-13. Adopted **//22)**

(i) Nonexempt Employee. An employee whose position is covered by the overtime provisions of the FLSA.

(Ord. 2022-13. Adopted **//22)**

(j) Political Subdivision. Political subdivision means a municipal corporation, township, county, school district, special district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the State that pays into either the Ohio Public Employees Retirement System or the Ohio Police & Fire Fund.

(Ord. 2022-13. Adopted **//22)**

(k) Public Agency. Means the Ohio General Assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the State of Ohio, a county, city, village, or township, the five (5) state retirement systems, and a regional council of governments established under ORC Chapter 167. Public agency does not include a department, division, institution, board, commission, authority or other instrumentality of the State or of a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars (\$10,000) per calendar year, excluding salaries and wages of employees; and whose members are uncompensated. Public agency does also not include a nonprofit corporation formed under ORC 187.01.

Statutory reference: ORC 102.01

CHAPTER 274
Civil Service Commission

274.01	<u>Establishment; Organization</u> Classification Principles	274.06	<u>Civil Service Rules</u> Skilled Labor
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CROSS SECTIONS

274.01 ESTABLISHMENT; ORGANIZATION.
CLASSIFICATION PRINCIPLES.

(a) Establishment. A Civil Service Commission was established pursuant to Section 8.01 of the City Charter.

(b) Membership. The Civil Service Commission shall consist of five (5) at-large members, who shall be appointed by the City Council. (Charter 8.05 A.)

(c) Organization. At its first meeting of the year, the members of the Civil Service Commission shall elect a Chairperson, a Vice Chairperson, and a Secretary by a majority vote. The Secretary may be elected from within or without the membership of the Commission and may hold other office or employment with the City. It shall be the duty of the Secretary to keep an accurate record of the proceedings of the Commission. (Charter 8.05 B.)

~~The Civil Service Commission, with the assistance and upon the recommendation of the appointing authority, shall prepare and may amend from time to time specifications descriptive of duties, responsibilities, requirements and desirable qualifications of any position, office or employment of the city, and may allocate or reallocate any such position, office or employment to the appropriate class on the basis of the duties, responsibilities, requirements and qualifications of such positions, offices or employments. The Civil Service Commission, upon recommendation of the appointing authority, shall assign and reassign employees having civil service status to the appropriate classification on the basis of the actual duties being performed, and may require appointing authorities to furnish the Commission with information with respect to personnel, including data pertinent to position control, as the Commission may deem necessary. Upon assigning or reassigning an employee to a new classification, the Civil Service Commission shall notify in writing such employee and his or her appointing authority. (Ord. 89-41. Adopted 06/08/89)~~

274.02 MEMBERS. ~~CONTINUING STUDY.~~

(a) Members. The members of the Civil Service Commission shall be qualified electors of the City and shall meet this qualification for membership at the time of their appointment and during their respective terms of office and shall not hold other elected office or employment with the City, unless otherwise authorized by City Charter. (Charter 8.02 A.)

~~The Civil Service Commission may recommend new or additional classifications, if such become necessary, and may assign such classes or reassign any classes to such new or different pay ranges as the City Council may establish. To standardize all new positions, titles, classes, salaries and wages of employees, the Civil Service Commission shall initiate and make continuous inspections and investigations of the several positions, offices and employments of the city.~~

(b) Oath of Office. Before entering upon the duties of his or her office, each member of the Civil Service Commission shall take and subscribe to an oath or affirmation, which shall be filed and kept in the office of the City Clerk, that he or she will:

- (1) Support the constitution of the United States and of this State, and the Charter and ordinances of the City;**
- (2) Faithfully, honestly, and impartially discharge the duties of his or her office.**
(Statutory Reference ORC 733.68)

~~Any employee, any appointing authority, and any representative of any group of employees, desiring to submit facts for consideration of the Civil Service Commission, shall be afforded reasonable opportunity to do so. When the Commission finds that inequities, injustices or improper classifications of employees having civil service status exist, it may reassign, upward or downward, any employee in the competitive class to any appropriate class or position, office or employment amount those set forth in the pay range and salary schedule as is necessary to provide more nearly an equitable, just and proper classification. (Ord.57-46. Adopted 12/26/57)~~

(c) Term. The members of the Civil Service Commission shall be appointed by City Council for five (5) year terms. Such terms shall be staggered, with one (1) member to be appointed every year. Each member shall continue in office until his or her successor is appointed. (Charter 8.05 A.)

(d) Removal; Vacancies.

- (1) Any member of the Commission may be removed by Council, by majority vote, for neglect of duty, incapacity incompetency, malfeasance in office or other good cause, as determined by Council. Any such removal shall comply with the requirements of the City Charter.**
- (2) The seat of a member shall be deemed vacant if the member resigns, is unable to serve, or is absent from three (3) consecutive meetings of the Commission and such absences are unexcused. Such vacancy shall be filled for the remainder of the unexpired term by appointment made by City Council.**
(Charter 8.02 D.)

274.03 **CHAIRPERSON.**

(a) Term. The Chairperson shall serve until his or her successor is appointed.

(b) Vacancy. In the event the Chairperson resigns, is unable to serve, or is disqualified to serve, the Civil Service Commission shall appoint a new Chairperson by majority vote.

(c) Powers. The Chairperson shall approve the agenda for all meetings of the Civil Service Commission and, when present, shall be the presiding officer at all meetings of the Commission. The Vice Chairperson shall act as the presiding officer in the Chairperson's absence.
(Ord. 2022-13. Adopted **//22)**

274.04 MEETINGS; RULES OF ORDER. ~~CLASSIFICATION OF COMPENSATION.~~

(a) Open Meetings Act. The Civil Service Commission shall comply with Ohio's Open Meeting Act.

(b) Meetings. The Civil Service Commission shall meet as is necessary to conduct and transact the business before it, and shall meet on the dates and times established by the Commission, upon a majority vote of all members of the Commission.

(c) Rules of Order. The Civil Service Commission may adopt its own rules to provide for the conduct and order of its meetings, upon a majority vote. In the absence of adopting its own rules of order, the Commission shall follow the Rules of Council. If Council has not adopted such Rules, then the Commission shall follow Robert's Rules of Order.

(d) Quorum. A majority of the members of the Civil Service Commission shall constitute a quorum for the transaction of business at any meeting of the Commission. The Chairperson shall be counted towards the quorum.
(Charter 8.02 B.)

(e) Voting. A majority vote of the members present at the meeting is required to approve or disapprove any matter coming before the Commission.
(Charter 8.02 C.)

~~Competitive and unclassified positions and employments shall receive compensation in accordance with the pay schedules appropriate to the employment as established from time to time by the City Council. Unskilled laborers shall be employed by the proper appointing officer at the pay range, grade and step recommended by the appointing authority, subject to the approval of the Civil Service Commission, taking into consideration the kind or type of employment. The Secretary to the Law Director shall be appointed by the Law Director. The Municipal Court Clerk, the Municipal Court Chief Deputy Clerk, the Municipal Court Deputy Clerk, the Municipal Court Bailiff, the Municipal Court Deputy Bailiff, the Municipal Court Reporter—Secretary and the Municipal Court Referee shall be appointed by the Municipal Court Judge at the pay range recommended by the Judge, subject to approval of the City Council.~~

~~(Ord. 89-40, Adopted 06/08/89)~~

274.05 POWERS AND DUTIES.

~~UNCLASSIFIED SERVICE.~~ (Moved to 260.03)

(a) Powers and Duties. The Civil Service Commission shall have the powers and duties assigned to it by Article X and Section 8.05 C. of the City Charter.

(b) Additional Powers and Duties. The Civil Service Commission shall also have any other powers or duties assigned to it by City Council, by ordinance or resolution.
(Charter 8.05 C.)

~~The positions identified herein, as specified in Section 10.04, Classification of Civil Service, of the City Charter, are not subject to the rules and regulations of the Civil Service Commission. The unclassified service of the employment paid by the City is as follows:~~

Position	Pay Grade or Range No.
<i>City Council Appointees</i>	
– City Manager	009
– Finance Director	009
– Law Director	009
<i>Municipal Court Employees</i>	
– Clerk of Courts	006
– Chief Deputy Clerk	004
– Deputy Clerk	003
– Chief Bailiff	004
– Bailiff	003
– Chief Probation Officer	004
– Probation Officer	003
– Court Reporter	003
<i>Department of Law</i>	
– Legal Assistant to the Law Director	003
– City Prosecutor	006
– Assistant City Prosecutor	005
<i>Division/Department Heads</i>	
– Assistant City Manager	008
– Human Resources Director	006
– Director of Homeland Safety/Risk Management	004
– Police Chief	007
– Communications Director	006
– Communications Technical Director	005
– Fire Chief	007
– Deputy Fire Chief	006
– Director of Development	007
– Community Development Coordinator	004
– Public Relations Coordinator	004
– Director of Public Service/Engineer	008
– Director of Public Service	007
– City Engineer	007
– Assistant Engineer	005
– Public Service Superintendent	006
– Recreation and Parks Director	004
– City Planner	006
<i>Division/Department Heads</i>	
– Assistant Finance Director	007
– City Clerk	004
– Accounts Receivable Manager	005

IT Director	006
Network Administrator	005
Systems Administrator	005
Victim Advocate Supervisor	005
<i>Clerical</i>	
Secretary to the City Manager	003
<i>Unskilled Labor</i>	
Unskilled Laborer	001
Facility and Grounds Attendant	001
Videographer	001
Parking Enforcement Attendant	Range No. 410
Office Aide	001

274.06 CIVIL SERVICE RULES. SKILLED LABOR.

(a) **Authority.** **The Civil Service Commission shall make, promulgate, and when necessary amend, rules and regulations in accordance with Section 10.03 of the City Charter.**

- (1) ~~Skilled or semi-skilled labor shall be filled by appointment from lists of applicants registered by the Civil Service Commission.~~
- (2) ~~Such applicants for registration in the skilled or semi-skilled labor class shall furnish evidence or take such tests as the Civil Service Commission deems proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity and experience in the work or employment for which they apply.~~
- (3) ~~Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests.~~

(b) **Collective Bargaining Agreements.** **Rules and regulations adopted by the Civil Service Commission under the authority of this section shall apply to all civil service matters, except to the extent that the same are superseded or preempted by the specific terms, provisions and/or content of a collective bargaining agreement between the City and an employee bargaining unit, to the extent that said preemption is permitted by law.**

- (1) ~~The Civil Service Commission shall maintain an eligible list, and the appointing authority shall employ from the list, taking into consideration the highest on the list to the extent of double the number of persons to be employed.~~
- (2) ~~In the event that such a list is not maintained and suitable registered labor is not available for the appointing authority, the appointing authority may employ such unregistered persons as necessary, with the approval of the Civil Service Commission.~~

274.07 ~~274.03~~ **CLASSIFICATION OF CIVIL SERVICE.**

(a) **Competitive Class.** The competitive class **of the civil service** shall include all **classified** positions ~~and employees~~ for which it is practicable to determine merit and fitness by competitive examination.

(b) **Noncompetitive Class.** The noncompetitive class **of the civil service** shall **include** ~~consist of~~ all **classified** positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by the Civil Service Commission.

(c) ~~Unclassified Service.~~ The unclassified service shall include:

- (1) ~~All officers elected by the people;~~
 - (2) ~~The Clerk of Council;~~
 - (3) ~~The City Manager, the Finance Director, the Assistant City Manager, the Law Director, the Police Chief, the Fire Chief, the City Prosecuting Attorneys, division and department heads, and their assistants;~~
 - (4) ~~The Personal Secretary to the City Manager;~~
 - (5) ~~Ordinary unskilled laborers; and~~
 - (6) ~~Municipal Court employees.~~
- (Ord. 65-28. Adopted 10/07/65)

274.07 ~~CLASSIFIED SERVICE.~~ (Moved to 260.03)

The classified service of the employment paid by the City of Xenia is as follows:

Position	Pay Grade or Range No.
<i>Clerical</i>	
Clerk Typist	410
Finance Clerk AR (Utility Billing/Income Tax)	412
Secretary	412
Human Resources Technician	003
Management Analyst CMO	003
Management Analyst PS	003
Management Analyst IT	003
<i>Administrative and Fiscal</i>	
Finance Clerk (Accounts Payable/Payroll)	414
IT Technician	414
Finance Technician	416
IT Analyst	004
<i>Engineering</i>	
Construction Inspector	004
Engineering Technician	004
GIS Analyst	004
Engineering Project Manager	005
<i>Planning and Zoning Department</i>	
Code Enforcement Officer	003
Zoning Enforcement Officer	003
<i>Police and Fire</i>	
Communications Supervisor	003
Fire Inspector	004
Police Service Aide I	414
Police Cadet	005
Communications Operator I	305
Communications Operator II	312

— Police Officer	215
— Firefighter	315
— Police Sergeant	224
— Fire Lieutenant	324
— Police Captain	227
— Fire Captain	327
<i>Parks and Recreation</i>	
— Playground Leader	001
— Recreation Program Specialist	001
<i>Labor and Crafts</i>	
Hourly Employees— Non Union	Pay Grade
— Water Treatment Plant Operator (Part-Time)	003
Hourly Employees— Union	Range Number
— Laborer	109
— Maintenance Worker	112
— Water Meter Service Worker	112
— Equipment Operator I	114
— Wastewater Treatment Plant Operator I	114
— Water Treatment Plant Operator I	114
— Wastewater Treatment Plant Semi-Tractor Trailer Driver	114
— Equipment Operator II	115
— Equipment Mechanic	115
— Maintenance Foreman	116
— Treatment Plant Laboratory Technician I	117
— Wastewater Treatment Plant Operator II	117
— Water Treatment Plant Operator II	117
— Electrician	117
— Treatment Plant Laboratory Technician II	118
Supervision and Administration	Pay Grade
— Water Treatment Plant Supervisor	005
— Wastewater Treatment Plant Supervisor	005
— Public Service Maintenance Supervisor	005
— Public Service Maintenance Supervisor— Utilities & Streets	005
— Public Service Maintenance Supervisor— Facilities & Fleet	005
— Equipment Mechanic Supervisor	004
<i>Department of Law</i>	
	Pay Grade
— Victim Advocate	003

~~274.06 SKILLED LABOR.~~

- (a) (1) ~~Skilled or semi skilled labor shall be filled by appointment from lists of applicants registered by the Civil Service Commission.~~

- ~~(2) Such applicants for registration in the skilled or semi skilled labor class shall furnish evidence or take such tests as the Civil Service Commission deems proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity and experience in the work or employment for which they apply.~~
- ~~(3) Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests.~~

- ~~(b) (1) The Civil Service Commission shall maintain an eligible list, and the appointing authority shall employ from the list, taking into consideration the highest on the list to the extent of double the number of persons to be employed.~~
- ~~(2) In the event that such a list is not maintained and suitable registered labor is not available for the appointing authority, the appointing authority may employ such unregistered persons as necessary, with the approval of the Civil Service Commission.
(Ord. 57 46. Adopted 12/26/57)~~

~~274.08 MERIT PROMOTION.~~

~~— Upon written recommendation of the appointing authorities, the Civil Service Commission may approve the promotion or advance in pay range of any employee in the competitive class for meritorious service. Such merit promotions may be made without regard to length of service in grade, seniority of time in employment or any other conflicting or restrictive rule or regulation affecting the civil service, provided that such promotion or advancement does not constitute an inequitable or unjust classification with respect to employees in the same pay range.~~

~~(Ord. 94 11. Adopted 03/10/94)~~

~~274.09 PERSONNEL RECORDS; REVIEW OF CLASSIFICATION; APPEALS.~~

~~(a) The Civil Service Commission shall provide rules for keeping records of the efficiency and performance of employees in the classified civil service. Each department shall keep such records and make such reports as are required.~~

~~(b) The classification of each full time employee in the classified service shall be reviewed annually. With the approval of the appointing authority, and upon certification by the Civil Service Commission, an employee in the classified service may be granted an increase in classification. Such increase shall become effective upon the beginning of the first pay period following the certification, or other date as specified by the Civil Service Commission.~~

~~(c) If the character of service of an employee at any time does not merit a favorable report, then such employee may be dismissed from service for inefficiency.~~

~~(d) Any employee in the classified service desiring to appeal any entry on his or her personnel record or any matter affecting his or her status shall be accorded a hearing by the Civil Service Commission after ten (10) days written notice of such hearing is served personally or by registered mail on the employee and on his or her appointing officer. The determination upon such hearing shall be conclusive.~~

~~(Ord. 94 12. Adopted 03/10/94)~~

~~274.10 REASSIGNMENT OF POSITIONS.~~

~~— In placing into effect classification and schedule of pay, the Civil Service Commission shall reassign immediately the particular positions affected. Reassignments of such positions shall be made in a manner~~

~~as to prevent any reduction in salary or wages to affected employees, and the new salaries and wages following such reassignments shall be computed so as to give the same or higher benefit than the affected employee would have received if no such new classification had been made.~~

~~230.03 ADMINISTRATIVE STEERING COMMITTEE.~~

~~(a) Establishment. There is hereby established an Administrative Steering Committee of the City to provide policy direction and guidance on building security, information technology issues and projects, human resources and personnel management and any other topics or issues affecting the Departments and Divisions under the direction and control of the City Manager, the Finance Director, the Law Director and the Xenia Municipal Court.~~

~~(b) Membership. The Administrative Steering Committee shall consist of the City Manager, the Finance Director, the Law Director and the Clerk of Court of Xenia Municipal Court.~~

~~(c) Meetings. The Administrative Steering Committee shall meet at such times as is necessary, and a meeting of the Committee may be called upon the approval of any two (2) members of the Committee.~~

~~(d) Information Technology Director. The Committee may evaluate applicants for the position of Information Technology Director, and may make recommendations to the Finance Director as to the appointment of the Information Technology Director. The Committee may also evaluate the performance of the Information Technology Director and recommendations to the Finance Director regarding his or her performance.~~

~~(e) Human Resources Director. The Committee may evaluate applicants for the position of Human Resources Director and may make recommendations to the City Manager as to the appointment of the Human Resources Director. The Committee may also evaluate the performance of the Human Resources Director and recommendations to the City Manager regarding his or her performance.~~

~~(Ord. 2018-02. Passed 01/25/18)~~