

NOTICE

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CHAPTER 155
Employees Generally

EDITOR'S NOTE: Because they are subject to frequent change, provisions relating to compensation and benefits for City officials and employees are not codified herein. Interested persons may obtain copies of all relevant legislation from the Municipal Clerk

CROSS REFERENCES

Civil service application - see CHTR. Art. VII, §7 et seq.
Welfare - see Ohio Const., Art. II, §35; Ohio R.C. Ch. 4123
Public Employees Retirement System - see Ohio R.C. Ch. 145
Strikes by public employees - see Ohio R.C. Ch. 4117

155.01 MEANING OF TERMS.

(A) "EMPLOYEE." Any person holding a position by appointment or employment in the service of the City; except: elective officials or appointed by City Council.

(B) "EMPLOYEE ORGANIZATION." Any organization or group in which employees participate and which exists for the purpose, in whole or in part, of dealing with the City in matters concerning wages, hours, fringe benefits or working conditions.

(C) "STRIKE." The failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of employment, or of intimidating, coercing, or unlawfully influencing others from remaining in or from assuming such public employment. Such actions do not limit, impair, or affect the right of any employee to the expression or communication of a view, grievance, complaint, or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as such expression or communication is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment.

(D) "PERSON." Person means every natural person, firm, copartnership, association or corporation.

155.02 STRIKE BY EMPLOYEES AGAINST CITY PROHIBITED.

(A) No employee shall engage in a strike against the City.

(B) No person exercising any authority, supervision, or direction over any employee shall have the power to authorize, approve, or consent to a strike by one or more employees, and such person shall not authorize, approve or consent to such strike.

155.03 SUSPENSION OF STRIKING EMPLOYEE; NOTICE; HEARING.

Any employee who, without the approval of his superior, unlawfully fails to report for duty, absents himself from his position, or abstains in whole or in part from full, faithful, and proper performance of his duties for the purpose of inducing, influencing, or

coercing a change in the conditions, compensation, rights, privileges, or obligations of employment or of intimidating, coercing, or unlawfully influencing others from remaining in or from assuming such employment shall be considered on strike. The employee shall be sent a notice by the City Manager or designee, addressed to his residence as set forth in his employment record, that he is on strike and is suspended without pay. The employee may request and subsequently be entitled to establish that he did not violate Section 155.02. This request must be filed in writing with the City Manager, within 10 calendar days after service of notice as herein provided. In the event of such request, the City Manager shall, within 10 calendar days of receipt of such request, commence a proceeding for the determination of whether this Chapter has been violated by such employee. Such proceeding shall be undertaken without unnecessary delay. The employee shall have the right to appeal the decision of the City Manager to the Civil Service Commission.

155.04 FAILURE TO REQUEST HEARING.

If the employee does not timely file the request as provided for in Section 155.03, or, if after having filed said request, fails to establish that he did not violate Section 155.02, he shall thereby be considered to have abandoned and terminated his appointment or employment and shall no longer hold such position, or be entitled to any of the rights or emoluments thereof.

155.05 REINSTATEMENT

A person who has violated Section 155.02, and has been thereby terminated from his employment with the City may, subject to the Civil Service rules and regulations, be appointed, or reappointed, employed, or re-employed, as an employee but only upon the following conditions:

(A) His compensation shall in no event exceed that received by him immediately prior to the time of such violation;

(B) His compensation shall not be increased until after the expiration of one year from such appointment or reappointment, employment or re-employment;

(C) The person shall be on probation for a period of 2 years following such appointment or reappointment, employment or re-employment, during which period he shall serve without tenure and at the pleasure of the appointing authority.

155.06 STRIKE BY EMPLOYEE ORGANIZATIONS AGAINST CITY PROHIBITED.

(A) No employee organization shall engage in, cause, instigate, encourage, or condone a strike against the City.

(B) In determining whether an employee organization has engaged in a strike against the City, the following shall be considered:

(1) Whether the employee organization called the strike or made a good faith effort to prevent it;

(2) Whether the employee organization made or was making good faith efforts to terminate the strike;

(C) Any employee organization violating this Section shall be fined not more than \$1,000.00. A separate offense may be deemed committed each day during or on which the violation occurs or continues.

(Ord. 2839-79. Passed 3-13-79.)

(Revision 77.)