



CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • BILL LAUTAR, VICE MAYOR
BRUCE E. DUKE • JACQUE FISHER • TONY KLEPACZ • ROB SCOTT • JOSEPH D. WANAMAKER

KETTERING COUNCIL AGENDA

November 27, 2018

**Kettering Government Center – South Building
3600 Shroyer Rd. Kettering, Ohio 45429**

6:00 P.M. **WORKSHOP** Kettering Room
7:30 P.M. **REGULAR MEETING** Council Chambers

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

November 13, 2018- Council Meeting & Workshop Minutes

PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSION

Performance Presentation Kettering Children's Choir

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

1. To provide for the table of organization, position classification plan, compensation plan and pay schedules and rules and regulations pertaining to conditions of work and supplemental benefits for the employees of the City of Kettering, Ohio, and to repeal Ordinance no. 4300-17.

RESOLUTIONS

2. Approving an employment agreement for Mark W. Schwieterman to continue as City Manager of the City of Kettering.
3. Authorizing the City Manager to accept a donation of carbon monoxide detectors from Firefighter's & Company Federal Credit Union.
4. Authorizing the City Manager to accept a cash donation from The Hundred Club.
5. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2018.

ORDINANCES IN FIRST READING

6. To amend various sections of Chapter 192 of the Codified Ordinances regarding income tax to incorporate changes required by the State of Ohio and declaring an emergency.
7. To rezone 1940 East Dorothy Lane (Planning Commission Case No. PC 18-018).

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

CITY COUNCIL REPORT/UPDATE

The City of Kettering invites people with disabilities to enjoy our programs, services, parks, and facilities. Contact Anna Breidenbach at anna.breidenbach@ketteringoh.org or call 296-2439 for more information about our accessibility, inclusion, and special programs initiatives. For TTY assistance, contact Ohio Relay Service at 800-750-0750.

KETTERING CITY CALENDAR
2018

November 26	7:30 p.m.	Sister Cities
November 27	6:00 p.m. 7:30 p.m.	Council Workshop City Council meeting
December 3	7:00 p.m.	Planning Commission
December 4	5:30 p.m. 7:30 p.m.	Budget Workshop City Council Meeting
December 10	7:00 p.m.	Board of Zoning Appeals
December 11	4:00 p.m. 6:30 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO PROVIDE FOR THE TABLE OF ORGANIZATION, POSITION CLASSIFICATION PLAN, COMPENSATION PLAN AND PAY SCHEDULES AND RULES AND REGULATIONS PERTAINING TO CONDITIONS OF WORK AND SUPPLEMENTAL BENEFITS FOR THE EMPLOYEES OF THE CITY OF KETTERING, OHIO, AND TO REPEAL ORDINANCE NO. 4300-17

The Council of the City of Kettering, State of Ohio, acting under its Home Rule powers granted pursuant to Kettering's City Charter and the Ohio Constitution, Article XVIII, Section 3 and 7, hereby ordains as follows:

Article I. TABLE OF ORGANIZATION AND POSITION CLASSIFICATION PLAN.

This article establishes the Table of Organization and Position Classification Plan for the City of Kettering, Ohio. The provisions of this article apply to all positions for officials and for full-time, part-time and temporary employees of the City of Kettering.

<u>NAME OF OFFICE, DEPARTMENT OR DIVISION</u>	<u>PAY GRADE</u>
A. <u>OFFICE OF THE CITY MANAGER</u>	
<u>Regular Full-Time Positions</u>	
1 City Manager	Reference Section 208
2 Assistant City Manager (Reference Section 208)	724
1 Community Information Manager	707 thru 718
1 Compliance and Inclusion Manager	712
2 Secretary I, II or III	104, 106 or 108
<u>Regular Part-Time Positions</u>	
* Administrative Aide	854 thru 862
* Clerk	850 thru 856
<u>Part-Time Intermittent/Temporary Positions</u>	
* Administrative Aide	810 thru 813
* Clerk	810
B. <u>DEPARTMENT OF LAW</u>	
<u>Regular Full-Time Positions</u>	
1 Law Director	724
1 Assistant Law Director	713 thru 721
*1 Prosecuting Attorney II	714 thru 719
*1 Prosecuting Attorney I	705 thru 715
1 Secretary I or II	104 or 106
2 Clerk or Aide I or II or Secretary I	100, 102 or 104

*NOTE: Total to be employed controlled by budget dollar authorization.

Regular Part-Time Positions

*	Paralegal	856 thru 862
*	Clerk	850 thru 856

Part-Time Intermittent/Temporary Positions

*	Legal Intern	822 thru 833
*	Clerk	810

C. DEPARTMENT OF HUMAN RESOURCES

Regular Full-Time Positions

1	Human Resource Director	722
2	Human Resource Manager	714 thru 718
3	Human Resource Technician	8
1	Secretary I or II	104 or 106

Regular Part-Time Positions

*	Clerk	850 thru 856
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Part-Time Intermittent/Temporary Positions

*	Human Resource Aide	810 thru 813
*	Clerk	810

D. DEPARTMENT OF FINANCE

Regular Full-Time Positions

1	Finance Director	722
1	Assistant Finance Director	720
1	Budget Manager	718
1	Tax Manager/Tax Administrator	715 thru 718
1	Purchasing Manager	715 thru 718
2	Financial Analyst	713 thru 715
1	Secretary I or II	104 or 106
8	Finance Technician II	8
4	Finance Technician I	3 thru 5
1	Clerk or Aide I or II	100 or 102

Regular Part-Time Positions

*	Finance Technician II	8
*	Finance Technician I	3 thru 5
*	Finance Aide	854 thru 859
*	Clerk	850 thru 856

Part-Time Intermittent/Temporary Positions

*	Tax Intern	822 thru 825
*	Finance Aide	810 thru 813
*	Clerk	810

*NOTE: Total to be employed controlled by budget dollar authorization.

E. DEPARTMENT OF ADMINISTRATIVE SYSTEMS

1. Administrative Support Division

Regular Full-Time Positions

1	Administrative Systems Director	722
1	GIS Manager	718
2	Administrative Designer	102 thru 104
1	Printer I or II	5 or 7

Regular Part-Time Positions

*	GIS Technician	5
*	Administrative Designer	102 thru 104
*	Word Processing Operator	851 thru 857
*	Clerk	850 thru 856

Part-Time Intermittent/Temporary Positions

*	Administrative Aide	810 thru 817
*	Clerk	810

2. Information Systems Division

Regular Full-Time Positions

1	Information System Manager	714 thru 718
2	Information System Technician (appointed prior to 1/06/98)	7 thru 11
	(appointed on or after 1/06/98)	7 thru 10
1	Desktop Support Technician	5

Regular Part-Time Positions

*	Administrative Aide	854 thru 859
*	Clerk	850 thru 856

Part-Time Intermittent/Temporary Positions

*	Administrative Aide	810 thru 817
*	Clerk	810

F. VOLUNTEER OFFICE

Regular Full-Time Positions

1	Volunteer Administrator	706 thru 712
1	Assistant Volunteer Administrator	706

Regular Part-Time Positions

*	Administrative Aide	854 thru 860
*	Clerk	850 thru 856

Part-Time Intermittent/Temporary Positions

*	Administrative Aide	810 thru 813
*	Clerk	810

*NOTE: Total to be employed controlled by budget dollar authorization.

G. DEPARTMENT OF PLANNING AND DEVELOPMENT

Regular Full-Time Positions

1	Planning and Development Director	722
2	Engineer or Architect	719
2	City Planner	714 thru 718
1	Neighborhood Services Manager / City Planner	714 thru 718
1	Senior Building Inspector	715
**4	Inspector	9 thru 13
**3	Property Maintenance Inspector	7 thru 9
1	CDBG Program Manager	718
1	CDBG Program Coordinator	710
1	CDBG Housing Specialist	9 thru 13
2	Secretary I or II	104 or 106
1	Clerk or Aide I or II	100 or 102

Regular Part-Time Positions

*	Planning and Development Aide	854 thru 859
*	Clerk	850 thru 856

Part-Time Intermittent/Temporary Positions

*	Planning and Development Aide	810 thru 817
*	Planning and Development Technician	810 thru 812
*	Clerk	810

H. ECONOMIC DEVELOPMENT

Regular Full-Time Positions

1	Economic Development Manager	714 thru 718
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Regular Part-Time Positions

*	Administrative Aide	854 thru 859
*	Clerk	850 thru 856

Part-Time Intermittent/Temporary Positions

*	Administrative Aide	810 thru 813
*	Clerk	810

*NOTE: Total to be employed controlled by budget dollar authorization.

**NOTE: Part-Time Inspectors may be employed at Full-Time Inspector rates, total to be employed controlled by budget dollar authorization.

I. DEPARTMENT OF PUBLIC SAFETY

1. Department of Police
Police Officer Positions

1	Chief of Police	722
2	Captain	720
6	Lieutenant	505
10	Sergeant	504
**64	Patrol Officer	304, 305 or 306

Regular Full-Time Civilian Positions

*	Police Cadet	5
1	Training & Support Specialist	706
2	Uniformed Deputy Bailiff	8
5	Jailer	6
1	Audio-Visual Technician	6
1	Secretary I or II	104 or 106
2	Secretary I	104
5	Police Records Specialist	100 or 102
1	Community Service Specialist	3 thru 6

Regular Part-Time Positions

*	Court Security Officer	6
*	Clerk	850 thru 856
*	Aide	852 thru 855
*	Administrative Aide	854 thru 862

Part-Time Intermittent/Temporary Positions

*	Clerk	810
*	Aide	810 thru 811

2. Department of Fire

Regular Full-Time Firefighting Positions

1	Fire Chief	722
2	Assistant Chief	720
1	Fire Marshal	716
5	Battalion Chief	606
14	Captain (Appointed prior to 9/23/13) (Appointed on or after 9/23/13)	605 605-1
52	Firefighter I, II, III (with Paramedic Certification)	401, 402 or 403 404, 405 or 406

Regular Full-Time Non-Firefighting Positions

1	Fire Service Specialist	8
1	Secretary I or II	104 or 106
1	Clerk or Aide I or II	100 or 102

Regular Part-Time Positions

*	Fire Aide	850 thru 859
*	Clerk	850 thru 856

Part-Time/Intermittent/Temporary Positions

*	Fire Aide	810 thru 813
*	Fire House Janitor	912
*	Part-Time Firefighter	Reference Section 211

*NOTE: Total to be employed controlled by budget dollar authorization.

**NOTE: The City Manager is authorized to overfill up to two (2) Patrol Officer positions with Lieutenants or Captains at the corresponding pay grades.

- 3. Public Safety Dispatch
Regular Full-Time Positions
14 Public Safety Dispatcher 80 thru 82

Regular Part-Time Positions
* Public Safety Dispatcher 80 thru 82
- 4. Division of Civil Defense As established by Ordinance No. 151 6/24/54

J. DEPARTMENT OF ENGINEERING

- Regular Full-Time Positions
- 1 City Engineer 722
 - 1 Assistant City Engineer 720
 - 3 Civil Engineer 719
 - 1 Engineering Surveyor 714
 - 1 Design Engineer 715
 - 1 Senior Safety Supervisor 710
 - 1 Engineering Technician IV 12
 - 2 Traffic Signal Technician (Appointed prior to 6/16/14) 11
 - (Appointed on or after 6/16/14) 10
 - 3 Engineering Technician III-Construction Inspector 10
 - 3 Engineering Technician – CAD Design/Surveyor/Traffic 7 thru 10
 - 2 Secretary I or II 104 or 106

- Regular Part-Time Positions
- *1 Safety Supervisor 851 thru 856
 - *14 Crossing Guard 851 thru 856
 - * Clerk 850 thru 856

- Part-Time Intermittent/Temporary Positions
- 1 Traffic Engineer / Instructor 714 or 715
 - * Engineering Aide II 813 thru 817
 - * Engineering Aide I 810 thru 814
 - * Clerk 810
 - * Maintenance Aide 810

K. DEPARTMENT OF PUBLIC SERVICE

- 1. Department of Facilities
Regular Full-Time Positions
 - 1 Public Service Director 722
 - 1 Facility Maintenance Manager 716
 - 1 Facility Maintenance Supervisor 714
 - 4 Buildings Maintenance Mechanic 209 thru 211
 - 8 Buildings Service I or II
 - Buildings Service I 202 thru 205
 - Buildings Service II 206 thru 208
 - **12 Buildings Attendant 200 or 201
 - 1 Secretary I or II 104 or 106

*NOTE: Total to be employed controlled by budget dollar authorization.
**NOTE: Pay Grade 201 is only available to Buildings Attendants hired prior to 2/26/90.

Regular Part-Time Positions

* Clerk	850 thru 856
* Maintenance Aide	850 thru 853

Part-Time Intermittent/Temporary Positions

* Maintenance Specialist	810 thru 821
* Clerk	810
* Maintenance Aide	812 thru 815

2. Department of Streets

Regular Full-Time Positions

1 Assistant Public Service Director	720
1 Street Maintenance Manager	716
3 Street Maintenance Supervisor	714
5 Street Service IV	208 thru 209
35 Street Service I, II or III	
Street Service I	200 thru 201
Street Service II	202 thru 205
Street Service III	206 thru 207
1 Secretary I or II	104 or 106

Regular Full-Time Positions (continued)

3 Traffic Control I, II or III	
Traffic Control I	200 thru 201
Traffic Control II	202 thru 205
Traffic Control III	206 thru 208

Regular Part-Time Positions

* Clerk	850 thru 856
* Maintenance Aide	850 thru 853

Part-Time Intermittent/Temporary Positions

* Clerk	810
* Maintenance Aide	812 thru 815

3. Vehicle Maintenance Center

Regular Full-Time Positions

1 Fleet Manager	718
1 Equipment Maintenance Supervisor	714
5 Equipment Mechanic	206 thru 210
2 Parts Inventory Attendant	200 thru 205

*NOTE: Total to be employed controlled by budget dollar authorization.

Regular Part-Time Positions

* Clerk	850 thru 856
* Maintenance Aide	850 thru 853

Part-Time Intermittent/Temporary Positions

* Clerk	810
* Maintenance Aide	810

L. DEPARTMENT OF PARKS, RECREATION AND CULTURAL ARTS

Regular Full-Time Positions

1 Parks, Recreation and Cultural Arts Director	722
1 Division Manager of Recreation Facilities	716
1 Division Manager of Recreation	716
1 Division Manager of Business Services	716
1 Program Manager	712
1 Aquatics Supervisor	705 thru 709
1 Arena/Aquatics Manager	712
1 Frazee Pavilion Operations Manager	712
1 Frazee Ticket/Merchandise/Customer Relations Supervisor	705 thru 709
1 Sports Supervisor	705 thru 709
1 Fitness and Wellness Supervisor	705 thru 709
1 Program and Youth Development Supervisor	705 thru 709
1 Division Manager of Cultural Arts	716
1 Cultural Arts Program Supervisor	705 thru 709
1 Environmental Education Supervisor	705 thru 709
1 Frazee Pavilion General Manager	718
1 Parks Superintendent	718
2 Parks Manager	714
1 Communications/Marketing Supervisor	705 thru 709
5 Facility Coordinator	50 thru 54
1 Fitness Coordinator	50 thru 54
14 Parks Service I, II or III	
Parks Service I	200 thru 201
Parks Service II	202 thru 205
Parks Service III	206 thru 208
1 Secretary I or II	104 or 106
2 Clerk or Aide I or II	100 or 102

Regular Part-Time Positions

* Program Specialist II	858 thru 862
* Program Specialist I	850 thru 858
* Clerk	850 thru 856

Part-Time Intermittent/Temporary Positions

* Program Specialist IV	814 thru 817
* Program Specialist III	812 thru 814
* Program Specialist II	810 thru 812
* Groundskeeper Specialist	810 thru 812
* Program Specialist I	810 thru 811
* Clerk	810
* Groundskeeper	810
* Recreation Leader	810

*NOTE: Total to be employed controlled by budget dollar authorization.

M. OFFICE OF CLERK OF COUNCIL

Regular Full-Time Positions

1 Clerk of Council 104 thru 106

Regular Part-Time Positions

* Administrative Aide 854 thru 862

* Clerk 850 thru 856

Part-Time Intermittent/Temporary Positions

* Administrative Aide 810 thru 813

* Clerk 810

N. MEMBERS OF COUNCIL

Members of Council ** \$8,000 annually

Mayor ** \$12,000 annually

O. OFFICE OF THE SENIOR SERVICES COORDINATOR

Regular Full-Time Positions

1 Senior Services Coordinator 706 thru 712

*NOTE: Total to be employed controlled by budget dollar authorization.

**NOTE: Rate controlled by and subject to Section 3-5 of the City Charter.

END OF ARTICLE

Article II. COMPENSATION PLAN AND PAY SCHEDULES.

This article establishes a Compensation Plan and Pay schedules for all full-time, part-time and temporary positions in the City Administration.

Section 200. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 3 THROUGH 54.

The following pay tables prescribe the basic hourly and annual rates of pay for Pay Grades 3 through 54. Employees normally enter at Step A but may enter at Step B, C, D, E or F at the discretion of the City Manager. Step rate increases to B, C, D, E and F may be granted by the City Manager after each nine (9) months of service. Normal minimum time from entry to Step F is 45 months. In recognition of outstanding job performance, the City Manager may grant step rate increases in shorter periods of time. Hourly rates are controlling.

PAY SCHEDULES FOR POSITIONS IN PAY GRADES 3 THROUGH 13.

STEP RATES							
<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
3	Hour	\$19.61	\$20.64	\$21.57	\$22.79	\$23.91	\$25.57
	Year	40,789	42,931	44,866	47,403	49,733	53,186
4	Hour	\$20.64	\$21.57	\$22.79	\$23.91	\$25.18	\$26.99
	Year	42,931	44,866	47,403	49,733	52,374	56,139
5	Hour	\$21.57	\$22.79	\$23.91	\$25.18	\$26.32	\$27.96
	Year	44,866	47,403	49,733	52,374	54,746	58,157
6	Hour	\$22.79	\$23.91	\$25.18	\$26.32	\$27.54	\$29.33
	Year	47,403	49,733	52,374	54,746	57,283	61,006
7	Hour	\$23.91	\$25.18	\$26.32	\$27.54	\$28.93	\$30.88
	Year	49,733	52,374	54,746	57,283	60,174	64,230
8	Hour	\$25.18	\$26.32	\$27.54	\$28.93	\$30.50	\$32.23
	Year	52,374	54,746	57,283	60,174	63,440	67,038
9	Hour	\$26.32	\$27.54	\$28.93	\$30.50	\$31.87	\$33.87
	Year	54,746	57,283	60,174	63,440	66,290	70,450
10	Hour	\$27.54	\$28.93	\$30.50	\$31.87	\$33.59	\$35.57
	Year	57,283	60,174	63,440	66,290	69,867	73,986
11	Hour	\$28.93	\$30.50	\$31.87	\$33.59	\$35.23	\$37.30
	Year	60,174	63,440	66,290	69,867	73,278	77,584
12	Hour	\$30.50	\$31.87	\$33.59	\$35.23	\$36.98	\$39.13
	Year	63,440	66,290	69,867	73,278	76,918	81,390
13	Hour	\$31.87	\$33.59	\$35.23	\$36.98	\$38.82	\$40.95
	Year	66,290	69,867	73,278	76,918	80,746	85,176

***NOTE:** Rates in the above Pay Table are effective from and after 12/25/17.

Employees in Pay Grades 3 through 13 assigned to a shift with working hours between 6:00 p.m. and 6:00 a.m. shall receive fifteen cents (15¢) per hour in addition to the basic straight time rates for those hours worked between 6:00 p.m. and 6:00 a.m.; except that non-sworn Public Safety Dispatchers and Jailers assigned to a shift in which one-half (½) or more of the working hours are between 3:00 p.m. and 7:00 a.m. for Dispatchers, and between 4:00 p.m. and 8:00 a.m. for Jailers, shall receive fifty cents (50¢) per hour in addition to the basic straight time rates for those hours worked between 3:00 p.m. and 7:00 a.m. and 4:00 p.m. and 8:00 a.m., respectively. A paid unworked holiday, paid sick leave and paid unworked vacation leave shall be credited as hours worked, for the computation of shift differential pay, for non-sworn Public Safety Dispatchers and Jailers.

PAY SCHEDULES FOR POSITIONS IN PAY GRADES 50 THROUGH 54.

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
50	Hour	\$16.29	\$16.62	\$16.91	\$17.21	\$17.59
	Year	33,883	34,570	35,173	35,797	36,587
51	Hour	\$17.21	\$17.59	\$17.90	\$18.16	\$18.49
	Year	35,797	36,587	37,232	37,773	38,459
52	Hour	\$18.16	\$18.49	\$18.82	\$19.06	\$19.45
	Year	37,773	38,459	39,146	39,645	40,456
53	Hour	\$19.45	\$19.69	\$20.12	\$20.37	\$20.69
	Year	40,456	40,955	41,850	42,370	43,035
54	Hour	\$20.37	\$20.69	\$21.02	\$21.34	\$21.62
	Year	42,370	43,035	43,722	44,387	44,970

NOTE: Rates in the above Pay Table are effective from and after 12/25/17.

Section 200-a. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 80 THROUGH 82.

Pay Grade 80 sets the basic rates of pay for a Public Safety Dispatcher. Step rate increases for satisfactory performance and employee development may be granted by the City Manager as follows:

Step rate increases to Pay Grade 80, Steps B, C, D, E or F may be granted after a minimum of nine (9) months of service at the preceding step.

Pay Grade 81 sets the basic rates of pay for a Public Safety Dispatcher who holds an Associate Degree and has satisfactorily completed two years as a Kettering Public Safety Dispatcher. Step rate increases for satisfactory performance and employee development may be granted by the City Manager as follows:

Step rate increases to Pay Grades 81, Step D may be granted after a minimum of six (6) months of service at the preceding step.

Step rate increases to Pay Grades 81, Steps E or F may be granted after a minimum of nine (9) months of service at the preceding step.

Pay Grade 82 sets the basic rates of pay for a Public Safety Dispatcher who holds a Baccalaureate Degree and has satisfactorily completed two years as a Kettering Public Safety Dispatcher. Step rate increases for satisfactory performance and employee development may be granted by the City Manager as follows:

Step rate increases to Pay Grades 82, Step D may be granted after a minimum of six (6) months of service at the preceding step.

Step rate increases to Pay Grades 82, Steps E or F may be granted after a minimum of nine (9) months of service at the preceding step.

In all cases, hourly rates are controlling for pay rates within Pay Grades 80 through 82.

In recognition of outstanding job performance, the City Manager may grant step increases in shorter periods of time.

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
80	Hour	\$24.55	\$25.67	\$26.86	\$28.23	\$29.74	\$31.43
	Year	51,064	53,394	55,869	58,718	61,859	65,374
81	Hour				\$28.62	\$30.15	\$31.86
	Year				59,530	62,712	66,269
82	Hour				\$29.03	\$30.58	\$32.32
	Year				60,382	63,606	67,226

NOTE: Rates in the above Pay Table are effective from and after 05/29/17.

Section 201. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 100 THROUGH 112.

The following pay tables prescribe the basic hourly and annual rates of pay for Pay Grades 100 through 112. Employees normally enter at Step A but may enter at Step B, C, D, E or F at the discretion of the City Manager. Step rate increases to B, C, D, E, and F may be granted by the City Manager after each nine (9) months of service. Normal minimum time from entry to Step F is 45 months. In recognition of outstanding job performance, the City Manager may grant step rate increases in shorter periods of time. Hourly rates are controlling.

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
100	Hour	\$17.53	\$18.53	\$19.34	\$20.28	\$21.37	\$22.79
	Year	36,462	38,542	40,227	42,182	44,450	47,403
101	Hour	\$18.53	\$19.34	\$20.28	\$21.37	\$22.37	\$23.91
	Year	38,542	40,227	42,182	44,450	46,530	49,733
102	Hour	\$19.34	\$20.28	\$21.37	\$22.37	\$23.57	\$25.20
	Year	40,227	42,182	44,450	46,530	49,026	52,416
103	Hour	\$20.28	\$21.37	\$22.37	\$23.57	\$24.72	\$26.32
	Year	42,182	44,450	46,530	49,026	51,418	54,746
104	Hour	\$21.37	\$22.37	\$23.57	\$24.72	\$25.91	\$27.44
	Year	44,450	46,530	49,026	51,418	53,893	57,075
105	Hour	\$22.37	\$23.57	\$24.72	\$25.91	\$27.25	\$28.83
	Year	46,530	49,026	51,418	53,893	56,680	59,966
106	Hour	\$23.57	\$24.72	\$25.91	\$27.25	\$28.59	\$30.29
	Year	49,026	51,418	53,893	56,680	59,467	63,003
107	Hour	\$24.72	\$25.91	\$27.25	\$28.59	\$30.02	\$31.74
	Year	51,418	53,893	56,680	59,467	62,442	66,019
108	Hour	\$25.91	\$27.25	\$28.59	\$30.02	\$31.46	\$33.21
	Year	53,893	56,680	59,467	62,442	65,437	69,077
109	Hour	\$27.25	\$28.59	\$30.02	\$31.46	\$33.04	\$34.96
	Year	56,680	59,467	62,442	65,437	68,723	72,717
110	Hour	\$28.59	\$30.02	\$31.46	\$33.04	\$34.73	\$36.74
	Year	59,467	62,442	65,437	68,723	72,238	76,419
111	Hour	\$30.02	\$31.46	\$33.04	\$34.73	\$36.49	\$38.31
	Year	62,442	65,437	68,723	72,238	75,899	79,685
112	Hour	\$31.46	\$33.04	\$34.73	\$36.49	\$38.31	\$40.18
	Year	65,437	68,723	72,238	75,899	79,685	83,574

NOTE: Rates in the above Pay Table are effective from and after 12/25/17.

Employees in Pay Grades 100 through 112 assigned to a shift with working hours between 6:00 p.m. and 6:00 a.m. shall receive fifteen cents (15¢) per hour in addition to the basic straight time rates for those hours worked between 6:00 p.m. and 6:00 a.m.

Section 202. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 200 THROUGH 211.

PAY SCHEDULES FOR POSITIONS IN PAY GRADES 200 THROUGH 211.

The following pay tables prescribe the basic hourly and annual rates of pay for Pay Grades 200 through 211. Employees normally enter at Step A but may enter at Step B, C, D, E, F or G at the discretion of the City Manager. Step rate increases may be granted by the City Manager after each twelve (12) months of service (nine months of service for employees hired prior to February 16, 1998). Normal minimum time from entry to Step F (top step) in Pay Grades 200 through 207 is 60 months (45 months for employees hired prior to February 16, 1998). Normal minimum time from entry to Step G in Pay Grades 208 through 211 is 72 months (54 months for employees hired prior to February 16, 1998). In recognition of outstanding job performance, the City Manager may grant step rate increases in shorter periods of time. **Step A only applies to employees hired after February 19, 1996.** Hourly rates are controlling.

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
200	Hour	\$18.84	\$19.69	\$20.57	\$21.50	\$22.47	\$23.48
	Year	39,187	40,955	42,786	44,720	46,738	48,838
201	Hour	\$19.69	\$20.57	\$21.50	\$22.47	\$23.48	\$24.53
	Year	40,955	42,786	44,720	46,738	48,838	51,022
202	Hour	\$20.57	\$21.50	\$22.47	\$23.48	\$24.53	\$25.63
	Year	42,786	44,720	46,738	48,838	51,022	53,310
203	Hour	\$21.50	\$22.47	\$23.48	\$24.53	\$25.63	\$26.80
	Year	44,720	46,738	48,838	51,022	53,310	55,744
204	Hour	\$22.47	\$23.48	\$24.53	\$25.63	\$26.80	\$28.00
	Year	46,738	48,838	51,022	53,310	55,744	58,240
205	Hour	\$23.48	\$24.53	\$25.63	\$26.80	\$28.00	\$29.25
	Year	48,838	51,022	53,310	55,744	58,240	60,840
206	Hour	\$24.53	\$25.63	\$26.80	\$28.00	\$29.25	\$30.57
	Year	51,022	53,310	55,744	58,240	60,840	63,586
207	Hour	\$25.63	\$26.80	\$28.00	\$29.25	\$30.57	\$31.95
	Year	53,310	55,744	58,240	60,840	63,586	66,456
208	Hour	\$26.80	\$28.00	\$29.25	\$30.57	\$31.95	\$33.38
	Year	55,744	58,240	60,840	63,586	66,456	69,430
209	Hour	\$28.00	\$29.25	\$30.57	\$31.95	\$33.38	\$34.88
	Year	58,240	60,840	63,586	66,456	69,430	72,550
210	Hour	\$29.25	\$30.57	\$31.95	\$33.38	\$34.88	\$36.45
	Year	60,840	63,586	66,456	69,430	72,550	75,816
211	Hour	\$30.57	\$31.95	\$33.38	\$34.88	\$36.45	\$38.10
	Year	63,586	66,456	69,430	72,550	75,816	79,248

NOTE: Rates in the above Pay Table are effective from and after 03/05/18.

STEP RATES

PAY GRADE	BASIS	A	B	C	D	E	F
200	Hour	\$19.22	\$20.08	\$20.98	\$21.93	\$22.92	\$23.95
	Year	39,978	41,766	43,638	45,614	47,674	49,816
201	Hour	\$20.08	\$20.98	\$21.93	\$22.92	\$23.95	\$25.02
	Year	41,766	43,638	45,614	47,674	49,816	52,042
202	Hour	\$20.98	\$21.93	\$22.92	\$23.95	\$25.02	\$26.14
	Year	43,638	45,614	47,674	49,816	52,042	54,371
203	Hour	\$21.93	\$22.92	\$23.95	\$25.02	\$26.14	\$27.34
	Year	45,614	47,674	49,816	52,042	54,371	56,867
204	Hour	\$22.92	\$23.95	\$25.02	\$26.14	\$27.34	\$28.56
	Year	47,674	49,816	52,042	54,371	56,867	59,405
205	Hour	\$23.95	\$25.02	\$26.14	\$27.34	\$28.56	\$29.84
	Year	49,816	52,042	54,371	56,867	59,405	62,067
206	Hour	\$25.02	\$26.14	\$27.34	\$28.56	\$29.84	\$31.18
	Year	52,042	54,371	56,867	59,405	62,067	64,854
207	Hour	\$26.14	\$27.34	\$28.56	\$29.84	\$31.18	\$32.59
	Year	54,371	56,867	59,405	62,067	64,854	67,787
208	Hour	\$27.34	\$28.56	\$29.84	\$31.18	\$32.59	\$34.05
	Year	56,867	59,405	62,067	64,854	67,787	70,824
209	Hour	\$28.56	\$29.84	\$31.18	\$32.59	\$34.05	\$35.58
	Year	59,405	62,067	64,854	67,787	70,824	74,006
210	Hour	\$29.84	\$31.18	\$32.59	\$34.05	\$35.58	\$37.18
	Year	62,067	64,854	67,787	70,824	74,006	77,334
211	Hour	\$31.18	\$32.59	\$34.05	\$35.58	\$37.18	\$38.86
	Year	64,854	67,787	70,824	74,006	77,334	80,829

NOTE: Rates in the above Pay Table are effective from and after 03/04/19.

STEP RATES

PAY GRADE	BASIS	A	B	C	D	E	F
200	Hour	\$19.60	\$20.48	\$21.40	\$22.37	\$23.38	\$24.43
	Year	40,768	42,598	44,512	46,530	48,630	50,814
201	Hour	\$20.48	\$21.40	\$22.37	\$23.38	\$24.43	\$25.52
	Year	42,598	44,512	46,530	48,630	50,814	53,082
202	Hour	\$21.40	\$22.37	\$23.38	\$24.43	\$25.52	\$26.66
	Year	44,512	46,530	48,630	50,814	53,082	55,446

	Year	44,512	46,530	48,630	50,814	53,082	55,453
203	Hour	\$22.37	\$23.38	\$24.43	\$25.52	\$26.66	\$27.89
	Year	46,530	48,630	50,814	53,082	55,453	58,011
204	Hour	\$23.38	\$24.43	\$25.52	\$26.66	\$27.89	\$29.13
	Year	48,630	50,814	53,082	55,453	58,011	60,590
205	Hour	\$24.43	\$25.52	\$26.66	\$27.89	\$29.13	\$30.44
	Year	50,814	53,082	55,453	58,011	60,590	63,315
206	Hour	\$25.52	\$26.66	\$27.89	\$29.13	\$30.44	\$31.80
	Year	53,082	55,453	58,011	60,590	63,315	66,144
207	Hour	\$26.66	\$27.89	\$29.13	\$30.44	\$31.80	\$33.24
	Year	55,453	58,011	60,590	63,315	66,144	69,139
208	Hour	\$27.89	\$29.13	\$30.44	\$31.80	\$33.24	\$34.73
	Year	58,011	60,590	63,315	66,144	69,139	72,238
209	Hour	\$29.13	\$30.44	\$31.80	\$33.24	\$34.73	\$36.29
	Year	60,590	63,315	66,144	69,139	72,238	75,483
210	Hour	\$30.44	\$31.80	\$33.24	\$34.73	\$36.29	\$37.92
	Year	63,315	66,144	69,139	72,238	75,483	78,874
211	Hour	\$31.80	\$33.24	\$34.73	\$36.29	\$37.92	\$39.64
	Year	66,144	69,139	72,238	75,483	78,874	82,451

NOTE: Rates in the above Pay Table are effective from and after 03/02/20.

Employees in Pay Grades 200 through 211 assigned to a shift with working hours between 6:00 p.m. and 6:00 a.m. shall receive thirty cents (30¢) per hour in addition to the basic straight time rates for those hours worked between 6:00 p.m. and 6:00 a.m.

Section 203. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 304 THROUGH 306.

Pay Grade 304 sets the basic rates of pay for a Patrol Officer.

Pay Grade 305 sets the basic rates of pay for a Patrol Officer who holds an Associate Degree and has satisfactorily completed two years as a Kettering Patrol Officer.

Pay Grade 306 sets the basic rates of pay for a Patrol Officer who holds a Baccalaureate Degree and has satisfactorily completed two years as a Kettering Patrol Officer.

In all cases, hourly rates are controlling for pay rates within Pay Grades 304 through 306.

Step rate increases for satisfactory performance and employee development may be granted by the City Manager as follows:

Step rate increases to Pay Grade 304, Steps B and C may be granted after a minimum of six (6) months service at the preceding step.

Step rate increases to Pay Grades 304, 305 or 306, Steps D, E, F and G may be granted after a minimum of twelve (12) months service at the preceding step.

Accelerated advancement within Pay Grades 304, 305 or 306 may be granted by the City Manager in recognition of exceptional performance and employee development.

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
304	Hour	\$31.66	\$ 33.06	\$34.55	\$36.03	\$37.46	\$39.78	\$41.52
	Year	65,853	68,765	71,864	74,942	77,917	82,742	86,362
305	Hour				\$36.52	\$37.97	\$40.37	\$42.13
	Year				75,962	78,978	83,970	87,630
306	Hour				\$ 37.04	\$ 38.56	\$ 41.00	\$ 42.75
	Year				77,043	80,205	85,280	88,920

NOTE: Rates in the above Pay Table are effective from and after 02/19/18.

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
304	Hour	\$32.45	\$33.89	\$35.41	\$36.93	\$38.40	\$40.77	\$42.56
	Year	67,496	70,491	73,653	76,814	79,872	84,802	88,525
305	Hour				\$37.43	\$38.92	\$41.38	\$43.18
	Year				77,854	80,954	86,070	89,814
306	Hour				\$37.97	\$39.52	\$42.03	\$43.82
	Year				78,978	82,202	87,422	91,146

NOTE: Rates in the above Pay Table are effective from and after 02/18/19.

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
304	Hour	\$33.26	\$34.74	\$36.30	\$37.85	\$39.36	\$41.79	\$43.62
	Year	69,181	72,259	75,504	78,728	81,869	86,923	90,730
305	Hour				\$38.37	\$39.89	\$42.41	\$44.26
	Year				79,810	82,971	88,213	92,061
306	Hour				\$38.92	\$40.51	\$43.08	\$44.92
	Year				80,954	84,261	89,606	93,434

NOTE: Rates in the above Pay Table are effective from and after 02/17/20.

A Patrol Officer who resigned and subsequently is reinstated in the Kettering Police Department may receive full credit for service prior to date of resignation to meet minimum service requirements for advancement through Pay Grades 304, 305 or 306. A Patrol Officer may receive credit for prior service as a police officer with another municipality to meet minimum service requirements for advancement within Pay Grade 304, depending upon an evaluation of the prior service by the Chief of Police and Human Resource Director. Prior service with another municipality shall not be utilized to meet minimum service requirements for eligibility for promotion.

No person shall be eligible to receive an original appointment to the position of Patrol Officer before the age of 21. Nothing in this section shall prevent the recruitment of personnel for the Police Cadet program for the purpose of training persons to become Patrol Officers, provided that such cadets have reached the age of eighteen (18) at the time of said appointment. Patrol Officers assigned to a shift in which one-half (½) or more of the working hours are between 3:00 p.m. and 8:00 a.m. shall receive ninety cents (90¢) Shift Differential per hour in addition to the basic straight time rates for those hours worked between 3:00 p.m. and 8:00 a.m. A paid unworked holiday, paid sick leave, and paid unworked vacation leave shall be credited as hours worked.

Patrol Officers shall receive thirty cents (30¢) Weekend Differential per hour in addition to basic straight time rates and applicable shift differential rates for all hours worked between 12:01 a.m. Saturday and 12:00 midnight Sunday.

A Patrol Officer, who has been assigned to serve as Officer-In-Charge by the Chief of Police or the Chief of Police designee, shall receive an additional one dollar (\$1.00) per hour for each whole or fraction of an hour which she or he works as Officer-In-Charge.

Section 204. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 401 THROUGH 406.

The following pay tables prescribe the basic hourly and annual rates of pay for Firefighters in Pay Grades 401 through 406. Firefighters may be assigned to either 40 or 56-hour workweek schedules at the discretion of the Fire Chief and shall be paid at the appropriate hourly rate for the regular hours worked on that schedule. The Fire Chief shall determine if overtime pay shall be based on the 40-hour workweek hourly rate or 56 hour workweek hourly rate.

Pay Grades 401 through 403 set the basic rates of pay for a Firefighter.

Pay Grades 404 through 406 set the basic rates of pay for a Firefighter who holds and maintains a certification from the State of Ohio as an EMT-Paramedic. This Paramedic Incentive is in lieu of previous provisions granting service credit to Firefighters with EMT-Paramedic certifications.

Step rate increases within Pay Grades for satisfactory performance and employee development may be granted by the City Manager as follows (hourly rates are controlling):

- to 401 B or 404 B after a minimum of six (6) months of service at the preceding step rate;
- to 402 B or 405 B after a minimum of twelve (12) months of service at the preceding step rate;
- to 403 B or 406 B after a minimum of twelve (12) months at step rate 403 A or 406 A;
- to 403 C or 406 C after a minimum of twelve (12) months at step rate 403 B or 406 B.

Advancement in Pay Grades from 401 to 403 or from 404 to 406 for qualifying performance and attainment of required skills may be granted by the City Manager as follows:

to 402 A or 405 A after a minimum of six (6) months of service at step rate 401 B or 404 B;
to 403 A or 406 A after a minimum of twelve (12) months of service at step rate 402 B or
405 B.

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
401	Hour (56 hr week sched)	\$21.90	\$22.83	
	Hour (40 hr week sched)	30.66	31.96	
	Year	63,773	66,477	
402	Hour (56 hr week sched)	\$23.86	\$24.85	
	Hour (40 hr week sched)	33.41	34.79	
	Year	69,493	72,363	
403	Hour (56 hr week sched)	\$25.89	\$27.24	\$28.76
	Hour (40 hr week sched)	36.25	38.14	40.27
	Year	75,400	79,331	83,762
<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
404	Hour (56 hr week sched)	\$22.56	\$23.51	
	Hour (40 hr week sched)	31.58	32.92	
	Year	65,686	68,474	
405	Hour (56 hr week sched)	\$24.58	\$25.59	
	Hour (40 hr week sched)	34.41	35.83	
	Year	71,573	74,526	
406	Hour (56 hr week sched)	\$26.67	\$28.06	\$29.63
	Hour (40 hr week sched)	37.34	39.28	41.48
	Year	77,667	81,702	86,278

NOTE: Rates in the above Pay Table are effective from and after 08/21/17.

The City Manager is authorized to waive the minimum service requirements for advancement, as indicated above, to the extent necessary to align Firefighters in the career progression plan in a manner consistent with the above description.

A Firefighter in Pay Grade 402 B, 403 A, 403 B, 405 B, 406 A or 406 B may utilize certain college credit earned in Fire Science, Fire Administration, or Fire and Industrial Safety Technology, or a related field, in lieu of actual service to meet minimum service requirements for advancement within the rank of Firefighter. A Certificate of Fire Science Technology will equal nine (9) months; an Associate Degree in Fire Science Technology will equal one (1) year; an acceptable Baccalaureate Degree will equal eighteen (18) months. In no case shall a Firefighter receive more than a total of two (2) years' credit for educational achievement in lieu of actual service time.

A Firefighter who resigned and subsequently was reinstated in the Kettering Fire Department may receive full credit for service prior to date of resignation to meet minimum service

requirements for advancement from Pay Grade 401 up to Pay Grade 403 or from Pay Grade 404 up to Pay Grade 406.

A Firefighter may receive credit for prior service as a Regular Full-Time Firefighter with another municipality to meet minimum service requirements for advancement from Pay Grade 401 up to Pay Grade 403 or from Pay Grade 404 up to Pay Grade 406, depending upon an evaluation of the prior service by the Human Resource Director and the Fire Chief. Prior service with another municipality shall not be utilized to meet minimum service requirements for eligibility to compete in a competitive promotional examination or to obtain added credit for seniority on examinations for promotion to Captain (Pay Grade 605).

No person shall be eligible to receive an original appointment to the Fire Department before the age of 18. Nothing in this section shall prevent the recruitment of personnel for the Fire Cadet program for the purpose of training persons to become Firefighters, provided that such cadets have reached the age of 18 at the time of said appointment.

Firefighters in Pay Grades 401 through 406 regularly assigned to eight (8) hour shifts will receive fifteen cents (15¢) per hour in addition to the regular basic rates for straight time hours worked between 6:00 p.m. and 6:00 a.m.

Section 205. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 504 AND 505.

The following pay tables prescribe the basic hourly and annual rates of pay for police supervisory, command, and administrative management positions. Police Officers normally enter each Pay Grade at Step A.

Step rate increases within pay grades for satisfactory performance and employee development may be granted by the City Manager. Such increases are normally granted after six (6) months of service at each step, however, the City Manager may either accelerate or withhold such advancements based on the officer's performance and development.

Advancement to the rank of Sergeant at Pay Grade 504 may be granted by the City Manager to Patrol Officers as a promotion based on the results of Civil Service competitive examinations and procedures. A Patrol Officer must have three (3) years of service as a Kettering Patrol Officer at the time Civil Service testing is implemented in order to compete and be eligible for promotion to the rank of Sergeant.

Advancement to the rank of Lieutenant at Pay Grade 505 may be granted by the City Manager to Sergeants in Pay Grade 504 as a promotion based on the results of Civil Service competitive examinations and procedures. A Sergeant must have one (1) year of service as a Kettering Police Sergeant at the time Civil Service testing is implemented in order to compete and be eligible for promotion to the rank of Lieutenant.

The rank of Captain is that assigned to the positions of Assistant Chiefs of Police. Assistant Chiefs of Police (Police Captains) are included in the unclassified service and therefore the selection and rights of Assistant Chiefs of Police (Police Captains) are not subject to those rules or laws pertaining to Classified Civil Service employees. The appropriate fringe benefits for Assistant Chiefs of Police (Police Captains) are to be determined by the City Manager.

It shall be at the discretion of the City Manager to either fill or leave vacant positions at the rank of Sergeant, Lieutenant and Captain.

Police Officers in Pay Grades 504 and 505 assigned to a shift in which one-half (½) or more of the working hours are between 3:00 p.m. and 8:00 a.m. shall receive ninety cents (90¢) Shift Differential per hour in addition to the basic rates for those regularly scheduled hours worked between 3:00 p.m. and 8:00 a.m.

STEP RATES

<u>PAY</u> <u>GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>
504	Hour	\$45.30	\$46.45
	Year	94,224	96,616
505	Hour	\$48.75	\$49.94
	Year	101,400	103,875

NOTE: Rates in the above Pay Table are effective from and after 12/26/16.

Section 206. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 605 THROUGH 606.

The following pay tables prescribe the basic annual rates of pay for positions of Fire Battalion Chief and Fire Captain. The shown hourly rates are not controlling but are based on a 40-hour workweek schedule for comparison purposes only. Fire Battalion Chiefs and Fire Captains may be assigned to either 40 or 56-hour workweek schedules at the discretion of the Fire Chief and shall be paid at the appropriate hourly rate for the regular hours worked on that schedule. Fire Battalion Chiefs and Fire Captains enter each Pay Grade at Step A.

A step rate increase to 605 B, 605-1 B or 606 B may be granted by the City Manager after a minimum of six (6) months of service at 605 A, 605-1 A or 606 A.

Step rate increases to 605 C and D, 605-1 C and D or 606 C and D may be granted by the City Manager after a minimum of twelve (12) months of service in each step.

Accelerated advancement or withholding of such advancements in Pay Grade 605, 605-1 or 606 may be granted by the City Manager based upon the employee's performance and development.

Advancement to Fire Captain in Pay Grade 605 A or 605-1 A may be granted by the City Manager to Firefighters in Pay Grade 403 or 406, who have four (4) years of actual service as a Kettering Firefighter, as a promotion, based on the results of Civil Service competitive examination and procedures.

Advancement to the rank of Fire Battalion Chief at Pay Grade 606 may be granted by the City Manager to Fire Captains in Pay Grade 605 or 605-1. A Fire Captain must have at least one (1) year of service as a Kettering Fire Captain at the time Civil Service testing is implemented in order to compete and be eligible for promotion to the rank of Battalion Chief.

It shall be at the discretion of the City Manager to either fill or leave vacant positions at the rank of Fire Captain or Fire Battalion Chief.

Fire Captains appointed to the Pay Grade 605 series prior to 9/23/13, are eligible to be paid at the following Step Rates for Pay Grade 605:

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
605	Hour (56-hr. week schedule)	\$32.78	\$33.59	\$34.39	\$35.26
	Hour (40-hr. week schedule)	\$45.89	\$47.03	\$48.14	\$49.37
	Year	95,451	97,822	100,131	102,690

NOTE: Rates in the above Pay Table are effective from and after 12/25/17.

Fire Captains appointed to the Pay Grade 605 series on or after 9/23/13, are eligible to be paid at the following Step Rates for Pay Grade 605-1:

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
605-1	Hour (56-hr. week schedule)	\$31.96	\$32.87	\$33.29	\$33.70
	Hour (40-hr. week schedule)	\$44.75	\$46.02	\$46.60	\$47.18
	Year	93,080	95,722	96,928	98,134

NOTE: Rates in the above Pay Table are effective from and after 12/25/17.

Fire Captains appointed to the Pay Grade 605 series prior to 9/23/13, are eligible to be paid at the following Step Rates for Pay Grade 605:

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
605	Hour (56-hr. week schedule)	\$33.60	\$34.44	\$35.24	\$36.14
	Hour (40-hr. week schedule)	\$47.04	\$48.21	\$49.34	\$50.60
	Year	97,843	100,277	102,627	105,248

NOTE: Rates in the above Pay Table are effective from and after 12/24/18.

Fire Captains appointed to the Pay Grade 605 series on or after 9/23/13, are eligible to be paid at the following Step Rates for Pay Grade 605-1:

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
605-1	Hour (56-hr. week schedule)	\$32.76	\$33.69	\$34.12	\$34.54
	Hour (40-hr. week schedule)	\$45.87	\$47.17	\$47.77	\$48.36
	Year	95,410	98,114	99,362	100,589

NOTE: Rates in the above Pay Table are effective from and after 12/24/18.

Fire Captains appointed to the Pay Grade 605 series prior to 9/23/13, are eligible to be paid at the following Step Rates for Pay Grade 605:

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
605	Hour (56-hr. week schedule)	\$34.44	\$35.30	\$36.12	\$37.05
	Hour (40-hr. week schedule)	\$48.22	\$49.42	\$50.57	\$51.87
	Year	100,298	102,794	105,186	107,890

NOTE: Rates in the above Pay Table are effective from and after 12/23/19.

Fire Captains appointed to the Pay Grade 605 series on or after 9/23/13, are eligible to be paid at the following Step Rates for Pay Grade 605-1:

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
605-1	Hour (56-hr. week schedule)	\$33.59	\$34.54	\$34.97	\$35.41
	Hour (40-hr. week schedule)	\$47.02	\$48.35	\$48.96	\$49.57
	Year	97,802	100,568	101,837	103,106

NOTE: Rates in the above Pay Table are effective from and after 12/23/19.

Fire Battalion Chiefs are eligible to be paid at the following Step Rates for Pay Grade 606:

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
606	Hour (56-hr. week schedule)	\$34.91	\$35.34	\$35.81	\$36.57
	Hour (40-hr. week schedule)	\$48.87	\$49.48	\$50.13	\$51.20
	Year	101,650	102,918	104,270	106,496

NOTE: Rates in the above Pay Table are effective from and after 12/25/17.

Section 207. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 705 THROUGH 724.

The following pay tables prescribe the maximum basic rates of pay for Pay Grades 705 through 724. The City Manager determines the rates of pay provided employees in these pay grades with the restriction that an employee may not receive more than that maximum rate assigned to the position. Hourly rates are controlling for computation.

PAY GRADES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>MAXIMUM PAY RATE</u>	<u>PAY GRADE</u>	<u>BASIS</u>	<u>MAXIMUM PAY RATE</u>
705	Hour	\$27.96	714	Hour	\$42.98
	Year	58,157		Year	89,398
706	Hour	\$29.33	715	Hour	\$45.27
	Year	61,006		Year	94,162
707	Hour	\$30.52	716	Hour	\$47.42
	Year	63,482		Year	98,634
708	Hour	\$32.23	717	Hour	\$49.74
	Year	67,038		Year	103,459
709	Hour	\$33.87	718	Hour	\$52.19
	Year	70,450		Year	108,555
710	Hour	\$35.57	719	Hour	\$54.80
	Year	73,986		Year	113,984
711	Hour	\$37.30	720	Hour	\$57.48
	Year	77,584		Year	119,558
712	Hour	\$39.13	721	Hour	\$60.37
	Year	81,390		Year	125,570
713	Hour	\$40.95	722	Hour	\$63.39
	Year	85,176		Year	131,851
			724	Hour	\$69.83
				Year	145,246

NOTE: Rates in the above Pay Table are effective from and after 12/25/17.

Section 208. PAY SCHEDULE FOR THE POSITION OF CITY MANAGER AND ASSISTANT CITY MANAGER

- A. The City Manager's "Employment Agreement," expiring December 31, 2018, provides for the City Manager's compensation and benefits as follows: (i.) commencing December 25, 2017, the City Manager shall be paid an annual base salary of \$177,923.20, as calculated from an "hourly base rate" of \$85.54 per hour; (ii) the City Manager's then annual base salary may be periodically increased or decreased each time and in the same manner as this Ordinance may uniformly provide for the increase or decrease in the maximum salary levels for all Department Director positions and the position of Assistant City Manager; (iii.) in addition to the City Manager's annual base salary, the City shall contribute an amount equal to ten percent (10.0%) of the Manager's then annual base salary to a qualified deferred compensation plan as selected by the City Manager; (iv.) the City Manager's annual base salary shall be payable in installments at the same time as other employees of the City are paid; (v.) except as otherwise provided for herein, all other provisions for fringe benefits for Regular Full-Time employees in Pay Grade 714 through Pay Grade 724 shall apply to the City Manager; (vi.) the annual base salary for the City Manager is based on a 2,080 work hour year, regardless of the actual amount of hours worked; and (vii.) the annual base salary and any other benefit which the City Manager will be eligible to receive may be authorized by a valid, written agreement between the City and the City Manager, and in the event of a conflict between this Ordinance and any then valid and duly authorized written agreement between the City and the City Manager as to the annual base salary and/or any other benefit or component thereof, that the Manager is eligible to receive, then the provisions of the written agreement shall prevail as to that particular annual base salary and/or other benefit or component thereof. In the event either this Ordinance or the then valid written agreement is silent regarding the annual base salary and/or any other benefit or component thereof, that the Manager is eligible to receive, however, the other respective document speaks to same, then the provisions of the document that speaks to the annual base salary and/or other benefit or component thereof, shall prevail as to that particular annual base salary and/or other benefit or component thereof.
- B. The City Manager may, once annually, convert up to a maximum of 12 days of his/her accrued vacation leave, in whole hour increments at a ratio of 6:5, to a maximum payment of up to 10-days equivalent in cash. The rules governing this vacation leave conversion program shall be filed with and approved by the Ohio Public Employees Retirement System. Eligibility to convert such leave requires that all of the following apply to the City Manager:
1. Has, at the time of filing a request with the Finance Director to convert leave, an accrued vacation leave balance equal to or greater than the amount of hours requested to be converted;
 2. The amount of vacation leave converted into a cash payment in one calendar year must not exceed the amount of vacation leave accrued in the prior calendar year; and
 3. Has a record of at least 25 years of accumulated public service. Evidence of such accumulated public service may include a record of accumulated public service on file with the City of Kettering, as indicated by the

employee's "Date of Hire" or "Leave Date" or a record of accumulated or purchased service credit on file with any of the Ohio Retirement Systems.

- C. In addition to the Assistant City Manager's salary, the City may, at the discretion of the City Manager, contribute an amount equal to 1.0% of his/her salary to a qualified deferred compensation plan as selected by the Assistant City Manager.

Section 209. PAY SCHEDULES FOR SPECIAL CATEGORIES OF PART-TIME/TEMPORARY AND REGULAR PART-TIME POSITIONS.

The City Manager may determine pay levels for employees filling part-time/temporary and Regular Part-Time positions as appropriate within the pay ranges authorized by the following tables. Positions covered by these pay tables are excluded from the classified Civil Service. Employees in these pay tables are normally employed 40 hours per week or less.

A. PAY TABLES FOR PART-TIME/TEMPORARY POSITIONS

PAY GRADE	BASIS	STEP RATE												
		A / 1	B / 2	C / 3	D / 4	E / 5	F / 6	G / 7	H / 8	I / 9	J / 10	K / 11	L / 12	M / 13
810	HOUR			\$8.30	\$8.35	\$8.45	\$8.55	\$8.65	\$8.75	\$8.85	\$8.95	\$9.05	\$9.15	\$9.25
811	HOUR	\$8.35	\$8.45	\$8.55	\$8.65	\$8.75	\$8.85	\$8.95	\$9.05	\$9.15	\$9.25	\$9.35	\$9.45	\$9.55
812	HOUR	\$8.75	\$8.85	\$8.95	\$9.05	\$9.15	\$9.25	\$9.35	\$9.45	\$9.55	\$9.65	\$9.75	\$9.85	\$9.95
813	HOUR	\$9.05	\$9.15	\$9.25	\$9.35	\$9.45	\$9.55	\$9.65	\$9.75	\$9.85	\$9.95	\$10.05	\$10.15	\$10.25
814	HOUR	\$9.35	\$9.45	\$9.55	\$9.65	\$9.75	\$9.85	\$9.95	\$10.05	\$10.15	\$10.25	\$10.35	\$10.45	\$10.55
815	HOUR	\$9.65	\$9.75	\$9.85	\$9.95	\$10.05	\$10.15	\$10.25	\$10.35	\$10.45	\$10.55	\$10.65	\$10.75	\$10.85
816	HOUR	\$9.95	\$10.05	\$10.15	\$10.25	\$10.35	\$10.45	\$10.55	\$10.65	\$10.75	\$10.85	\$10.95	\$11.05	\$11.15
817	HOUR	\$10.25	\$10.35	\$10.45	\$10.55	\$10.65	\$10.75	\$10.85	\$10.95	\$11.05	\$11.15	\$11.25	\$11.35	\$11.45
818	HOUR	\$10.55	\$10.65	\$10.75	\$10.85	\$10.95	\$11.05	\$11.15	\$11.25	\$11.35	\$11.45	\$11.55	\$11.65	\$11.75
819	HOUR	\$10.85	\$10.95	\$11.05	\$11.15	\$11.25	\$11.35	\$11.45	\$11.55	\$11.65	\$11.75	\$11.85	\$11.95	\$12.05
820	HOUR	\$11.15	\$11.25	\$11.35	\$11.45	\$11.55	\$11.65	\$11.75	\$11.85	\$11.95	\$12.05	\$12.15	\$12.25	\$12.35
821	HOUR	\$11.45	\$11.55	\$11.65	\$11.75	\$11.85	\$11.95	\$12.05	\$12.15	\$12.25	\$12.35	\$12.45	\$12.55	\$12.65
822	HOUR	\$11.75	\$11.85	\$11.95	\$12.05	\$12.15	\$12.25	\$12.35	\$12.45	\$12.55	\$12.65	\$12.75	\$12.85	\$12.95
823	HOUR	\$12.05	\$12.15	\$12.25	\$12.35	\$12.45	\$12.55	\$12.65	\$12.75	\$12.85	\$12.95	\$13.05	\$13.15	\$13.25
824	HOUR	\$12.35	\$12.45	\$12.55	\$12.65	\$12.75	\$12.85	\$12.95	\$13.05	\$13.15	\$13.25	\$13.35	\$13.45	\$13.55
825	HOUR	\$12.65	\$12.75	\$12.85	\$12.95	\$13.05	\$13.15	\$13.25	\$13.35	\$13.45	\$13.55	\$13.65	\$13.75	\$13.85
826	HOUR	\$12.95	\$13.05	\$13.15	\$13.25	\$13.35	\$13.45	\$13.55	\$13.65	\$13.75	\$13.85	\$13.95	\$14.05	\$14.15
827	HOUR	\$13.25	\$13.35	\$13.45	\$13.55	\$13.65	\$13.75	\$13.85	\$13.95	\$14.05	\$14.15	\$14.25	\$14.35	\$14.45
828	HOUR	\$13.55	\$13.65	\$13.75	\$13.85	\$13.95	\$14.05	\$14.15	\$14.25	\$14.35	\$14.45	\$14.55	\$14.65	\$14.75
829	HOUR	\$13.85	\$13.95	\$14.05	\$14.15	\$14.25	\$14.35	\$14.45	\$14.55	\$14.65	\$14.75	\$14.85	\$14.95	\$15.05
830	HOUR	\$14.15	\$14.25	\$14.35	\$14.45	\$14.55	\$14.65	\$14.75	\$14.85	\$14.95	\$15.05	\$15.15	\$15.25	\$15.35
831	HOUR	\$14.45	\$14.55	\$14.65	\$14.75	\$14.85	\$14.95	\$15.05	\$15.15	\$15.25	\$15.35	\$15.45	\$15.55	\$15.65
832	HOUR	\$14.75	\$14.85	\$14.95	\$15.05	\$15.15	\$15.25	\$15.35	\$15.45	\$15.55	\$15.65	\$15.75	\$15.85	\$15.95
833	HOUR	\$15.05	\$15.15	\$15.25	\$15.35	\$15.45	\$15.55	\$15.65	\$15.75	\$15.85	\$15.95	\$16.05	\$16.15	\$16.25

NOTE: Rates in the above Pay Table are effective from and after 12/25/17.

B. PAY TABLES FOR REGULAR PART-TIME POSITIONS

STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
850	HOUR	\$12.50	\$12.77	\$13.13	\$13.46	\$13.73
851	HOUR	\$13.46	\$13.73	\$14.05	\$14.39	\$14.77
852	HOUR	\$14.39	\$14.77	\$14.98	\$15.36	\$15.66
853	HOUR	\$15.36	\$15.66	\$15.95	\$16.29	\$16.62
854	HOUR	\$16.29	\$16.62	\$16.91	\$17.21	\$17.59
855	HOUR	\$17.21	\$17.59	\$17.90	\$18.16	\$18.49
856	HOUR	\$18.16	\$18.49	\$18.82	\$19.06	\$19.45
857	HOUR	\$19.45	\$19.69	\$20.12	\$20.37	\$20.69
858	HOUR	\$20.37	\$20.69	\$21.02	\$21.34	\$21.62
859	HOUR	\$21.34	\$21.62	\$21.97	\$22.25	\$22.62
860	HOUR	\$22.25	\$22.62	\$22.92	\$23.16	\$23.55
861	HOUR	\$23.16	\$23.55	\$23.88	\$24.22	\$24.47
862	HOUR	\$24.22	\$24.47	\$24.78	\$25.18	\$25.46

NOTE: Rates in the above Pay Table are effective from and after 12/25/17.

Section 210. PAY SCHEDULES FOR POSITIONS IN PAY GRADE 912.

<u>PAY GRADE</u>	<u>BASIS</u>	<u>PAY RATE</u>
912	Week	\$17.50

Section 211. COMPENSATION AND SUPPLEMENTAL BENEFITS FOR PART-TIME FIREFIGHTERS.

The City Manager is authorized to provide compensation and supplemental benefits to Part-Time Firefighters. Part-Time Firefighters shall be compensated at specified pay rates, provided supplemental benefits and paid at such intervals, as deemed by the City Manager to be in the best interest of the City. All pay, pay rates and supplemental benefits referred to in this Section 211, plus the number of Part-Time Firefighter positions, shall all be controlled by budget dollar authorization. Part-Time Firefighters shall receive life insurance benefits as provided for in Section 301, of this Ordinance.

Section 212. INDEPENDENT CONTRACTORS AND SPECIAL EMPLOYEES.

- A. The City Manager is authorized to enter into agreements with non-employee Independent Contractors to provide those services that the City Manager determines to be in the best interests of this city. Such agreements shall be limited by budgetary authorization intended for such purposes, be outside the control of this Personnel Ordinance, and shall be consistent with the City Charter and any laws, ordinances, rules and regulations that are applicable in this city.
- B. The City manager may also hire employees for specialized purposes as follows:
1. The City Manager is authorized to enter into agreements to hire individuals as employees so as to obtain their personal services which the City Manager determines are in the best interests of this city. Such employees shall be known as "Special Employees," whose status shall be temporary and/or seasonal and whose term of employment shall be set by individual agreement. The compensation and benefits for such "Special Employees" shall be set and controlled by contractual agreements which shall be limited by budgetary authorization intended for such purposes. The City shall make deductions from the "Special Employee's" pay as required by law, such as federal, state and local tax withholdings and any contributions to FICA/Medicare or the applicable State of Ohio Retirement System, that may apply.
 2. In addition to the authority in Section 212 B1 above, the City Manager is also authorized to hire and establish pay rates for "Special Employees" whose status shall be temporary and/or seasonal and whose terms and conditions of employment are not controlled by individual agreement, including, but not limited to, pay per participant compensation arrangements and any applicable pay scales. The compensation and benefits for such "Special Employees" shall be set and controlled by the City Manager, which shall be limited by budgetary authorization intended for such purposes and shall not exceed an hourly rate of sixty dollars (\$60.00) per hour. The City shall make deductions from the "Special Employee's" pay as required by law, such as federal, state and local tax withholdings and any contributions to FICA/Medicare or the applicable State of Ohio Retirement System, that may apply.

Section 213. COMPENSATION FOR OVERTIME WORK.

- A. 1. All full-time, part-time and temporary employees in Pay Grades 3 through 54, 100 through 112, and 200 through 211, with the exception of non-sworn Public Safety Dispatchers and Jailers are eligible for overtime compensation for all authorized hours in excess of eight (8) hours per day or forty (40) hours per week, provided that on the employee's sixth day she/he shall receive overtime pay for only that time worked in excess of forty (40) hours for her/his whole week. An exception to this provision is made when such an employee's work schedule consists of four ten-hour days. In this situation, employees in the above described pay grades are eligible for overtime compensation for all authorized hours in excess of ten (10) hours per day

or forty (40) hours per week, provided that on the employee's fifth day she/he shall receive overtime pay for only that time worked in excess of forty (40) hours.

2. All employees in Pay Grades 810 through 862 are eligible for overtime compensation for all authorized hours in excess of forty (40) hours per week.
- B.
1. "Patrol Officers assigned to a watch" means those officers who are assigned to duties which are performed substantially, continuously around the clock every day of the week and ordinarily involve relieving another officer assigned to the same post at the beginning of duty and being relieved by another officer assigned to the same post at the conclusion of the day.
 2.
 - a) Normal Work Day. The normal work day is eight (8) hours. Patrol Officers are subject to call during both paid and unpaid meal periods.
 - b) Patrol Officers Assigned to a Watch. As a part of the normal work day Patrol Officers assigned to a watch will: (i) be required to report for roll call fifteen minutes prior to their scheduled shift; (ii) receive a lunch period at a time during the shift as approved by the supervising officer; and, (iii) if, no lunch period can be scheduled, be granted fifteen (15) minutes of overtime pay. This schedule shall in all cases be deemed to be eight (8) hours worked.
 - c) Those Not Assigned To A Watch. Patrol Officers not assigned to a watch (such as detectives, jailer, court officer, academy personnel, uniformed dispatcher, etc.) will be scheduled for an unpaid meal period or not, as determined by the City to be suitable for the duties of the assignment. The total scheduled hours of work in either case will for a normal work day be deemed to be 8 hours worked, and there shall be no more than 9 hours between scheduled starting and quitting times of an eight-hour work day.
 - d) Daily Overtime. For each six (6) minute interval worked, beginning after the end of the shift, Patrol Officers will be paid overtime for one-tenth of an hour at the rate of time and one-half the regular rate, except that any Patrol Officer required to work over eight (8) hours on any given holiday will be paid at the rate of two (2) times the regular rate.
 - e) Normal Workweek. The normal workweek consists of an average of 40 hours. Patrol Officers who work a straight 40-hour week shall be paid at time and one-half their straight time rate for all hours worked in excess of 40 straight time hours. Patrol Officers on multiple-week cycles shall be paid at time and one-half their straight time rates for all hours worked in excess of the average of 40 straight time hours per week during the cycle. A Patrol Officer who is scheduled to be off work on a holiday and is then required to work on that holiday will be paid at double the Patrol Officer's regular rate. No overtime premium pay shall be owing under this or any other section as a result of swapping shifts.
- C.
1. Firefighters in Pay Grades 401 through 406 who are assigned to work schedules which average forty (40) hours per week shall receive overtime compensation only for that time worked in excess of an average forty (40) hour workweek as established by a rotating shift schedule.

2. Firefighters in Pay Grades 401 through 406 assigned to rotating shifts which average fifty-six (56) hours per week shall receive overtime compensation only for the time worked in excess of an average fifty-six (56) hour workweek as established by a rotating shift schedule. Overtime pay shall be based on comparative forty (40) hour workweek rates.
- D. A paid unworked holiday, paid sick leave or paid unworked vacation shall be credited as time worked for the purpose of computing overtime for any work performed in the same workweek.
- E. Pay for overtime work shall be at the rate of one and one-half the regular rate with the following exceptions (police business meetings and training sessions scheduled by Supervisory or Command Police Officers for Police Patrol Officers in Pay Grades 304 through 306 shall not be considered an exception):
1. Employees in Pay Grades 3 through 54, 100 through 112, and 200 through 211 (with the exception of non-sworn Public Safety Dispatchers and Jailers) shall receive double their regular rate for work on Sundays and all holidays except Labor Day, unless Sunday or a holiday is a regularly scheduled work day. If Sunday is a regularly scheduled workday, the seventh day of the workweek shall be treated as Sunday for overtime purposes.
 2. Police Patrol Officers in Pay Grades 304 through 306; Police Cadets; non-sworn Public Safety Dispatchers and Jailers; and Firefighters in Pay Grades 401 through 406 assigned to work schedules which average forty (40) hours per week shall receive double their regular rate of pay for work on a holiday in excess of a regular eight (8) hour shift.
 3. Police Officers in Pay Grades 304 through 306 and 504 through 505, and non-sworn Regular Full-Time Public Safety Dispatchers and Jailers, shall receive double their regular rate for overtime hours worked on Easter Sunday. The City Manager may, at his or her sole discretion, extend similar double-time provisions to Regular Part-Time employees in the Police Department who work on Easter Sunday in excess of their regularly scheduled hours.
 4. Firefighters in Pay Grades 401 through 406 who are assigned to fifty-six (56) hour workweek schedules shall receive double the comparative forty (40) hour rate of pay for work on a holiday in excess of a regular twenty-four (24) hour shift.
- F. Any full-time employee eligible for overtime compensation who is called in for emergency duty shall receive a minimum of two (2) hours compensation at the overtime rate.
- G. When employees, other than Regular Full-Time City employees, are called in as volunteers for emergency duties, they may be employed at rates comparable to those paid to Regular Full-Time employees who regularly perform such tasks and paid from appropriate funds as determined by the City Manager.
- H. Employees in Pay Grades 200 through 211 called for emergencies, such as snow removal, shall be paid one and one-half times the regular rate for hours worked outside normal working hours even though time worked during that workweek does not exceed forty (40) hours. The City Manager may extend this same provision to other hourly paid employees when they are assisting in emergencies normally handled by employees in Pay Grades 200 through 211.

- I. The City Manager may authorize payment from City Funds for overtime work performed by employees who are not considered as Regular Full-Time employees.
- J. The City Manager may authorize a premium payment at one and one-half (1½) times an hourly paid employee's regular hourly rate of pay if it is necessary to substantially adjust such an employee's work schedule without adequate notice. It shall be at the discretion of the City Manager to determine what constitutes a substantial schedule change and adequate notice to the employee.
- K. Emergency standby means the requirement of an off-duty Patrol Officer or Firefighter in an emergency situation as determined by the Police or Fire Chief or his or her designee, to maintain contact with the Police or Fire Department for possible call-in for immediate reporting for duty. Emergency standby continues until either directed to report for duty or released from emergency standby status. When directed to report, and the employee actually reports within a reasonable time, emergency standby pay will continue until the time of reporting. The Patrol Officer on emergency standby will be paid at 0.2 times the regular rate. Any Patrol Officer or Firefighter who is called in for emergency duty will receive a minimum of two (2) hours pay at time and one-half rate.
- L1. Whenever it is necessary for an off-duty Firefighter or other hourly paid Fire Department employee or Police Sergeant or Police Lieutenant, or Fire Battalion Chief or Fire Captain, to appear in the Municipal Court, before the prosecutor for a pretrial conference, or in any other court on matters pertaining to City business, a minimum of two (2) hours overtime shall be credited per appearance day at time and one-half the appropriate hourly rate.
- L2. Whenever it is necessary for an off-duty Patrol Officer to appear either in the Municipal Court or any other official court on matters pertaining to police business, or to appear before the Prosecutor for a pre-trial conference, he or she shall receive a minimum of four hours overtime per appearance day, at the rate of time and one-half. If the time required for court appearance shall exceed four hours, the officer shall be paid for actual time spent at the standard rate of overtime (time and one-half).
- M. At the employee's option, and with the consent of the employee's supervisor, the employee shall have the privilege of taking compensatory time off in lieu of overtime compensation; in which case the employee may have time off at one times, one and one-half times, or double time the overtime hours worked, if for the hours worked the employee would otherwise be paid one time, one and one-half times, or double time the regular rate.
- N. Employees in Pay Grades 715 through 724 are not eligible for overtime compensation. The City Manager is authorized to establish reasonable standards under which employees in Pay Grades 705 through 714, 504 and 505, and 605 through 606 may receive overtime compensation.
- O. The City Manager is authorized to make adjustments in the normal schedule of duty hours for employees in Pay Grades 705 through 724, 504 and 505, and 605 through 606 granting time off from normal schedule of duty hours when appropriate, in recognition that employees in bona fide executive, administrative, and professional capacities are often required to follow irregular work schedules which exceed the normal 40 hours per week and in recognition that employees in these capacities are exempt from the provisions for overtime compensation.
- P. Non-sworn Public Safety Dispatchers and Jailers, who are unable to take a 30-minute meal break during their shift, are eligible to receive 30 minutes of overtime compensation with supervisory approval.

Section 214. GENERAL PROVISIONS PERTAINING TO APPOINTMENT ADVANCEMENT AND CONDITIONS OF WORK.

- A. The regular workweek for a Regular Full-Time employee shall consist of five (5) eight hour days. Firefighters shall work either the equivalent of five (5) eight hour shifts per week or two and one-third (2 1/3) twenty-four hour shifts per week in accordance with schedules prepared and announced by the Fire Chief. Reference Section 213 for special provisions pertaining to work schedules for Police Officers and Firefighters as well as for provisions for the four (4) ten-hour day workweek.
- B. The City Manager is authorized to fill Regular Full-Time positions with one or more part-time employees at hourly pay rates not to exceed the normal hourly rate for the full-time position. In cases where a part-time employee is assigned to a pay grade normally utilized for Regular Full-Time employees, it shall be at the City Manager's discretion to determine appropriate levels of fringe benefits.
- C. All employees shall be paid bi-weekly or on a schedule deemed appropriate by the City Manager. The Finance Director is authorized to either compensate hourly paid employees for the actual number of hours worked during a pay period or for the average number of hours they work per pay period plus any overtime compensation earned.
- D. The City Manager may fill a vacant position, as authorized by the Table of Organization and Position Classified Plan, with a person in a different classification and pay grade. The position being filled may not be paid at a higher basic rate than that identified from the Table of Organization. The position being filled may be in another department, division or office from that identified in the Table of Organization, but the total number of positions authorized for the City may not be exceeded.
- E. The number of personnel authorized by Article I of this Ordinance may be varied to provide a training period of four (4) weeks for a new employee. The City Manager may exceed the number of personnel authorized, by more than four (4) weeks, in circumstances where a special training program is required or for other extenuating circumstances. The City Manager may temporarily replace any Regular Full-Time employee on sick leave, vacation or leave of absence. Such replacement shall be compensated in accordance with this Ordinance at the discretion of the City Manager.
- F. The number in a pay grade designation authorized by the Table of Organization and Position Classification Plan in Article I may temporarily be exceeded so that an employee may be placed in a higher pay grade designation because of increased duties and responsibilities. In this respect, the City Manager is bound only by the total authorized positions for the entire Department. Nothing herein contained shall permit transgressions of the rules and regulations as established by the Civil Service Commission.
- G. An employee advanced to a higher position through a permanent promotion or reclassification may, or may not, receive an increase in pay at the sole discretion of the City Manager. The effective date for any such pay increase shall be determined at the sole discretion of the City Manager.
- H. It shall be at the discretion of the City Manager to either fill or leave vacant any positions authorized by this Ordinance.

- I. The City Manager is authorized to exceed the total number of personnel authorized by Article I for any position when he determines it appropriate to do so in order to comply with a directive of, or otherwise satisfy, a court, the Kettering Civil Service Commission, or other review agency. The City Manager may, at his or her sole discretion, exceed the total number of personnel authorized by Article I, for a temporary or extended period of time, when he identifies circumstances he deems justifies such action.
- J. The City Manager is authorized to establish different rates of pay for positions delineated by this Ordinance. However, such rates of pay may not exceed the maximum rate specified for the position(s) by the designated pay grades.
- K. It is within the City Manager's authority to close any or all City facilities in the event of extreme weather or other emergency situations. It is also at the City Manager's discretion to determine if and how City employees who either work or don't work under such circumstances be compensated.
- L. The City Manager is authorized to set initial accrual rates for vacation leave and initial sick leave balances for employees, with consideration to prior employment and length of service. This authorization confirms the City Manager's authority to continue the practice of crediting service time for vacation leave accrual purposes and transferring unused sick leave balances from prior public service with the State of Ohio or its political subdivisions and other Ohio public agencies, to the extent he deems appropriate. Furthermore, the City Manager is authorized to adopt similar practices for employees having prior public service outside the State of Ohio, or who were previously employed in private sector or federal employment.
- M. In a Payroll Year consisting of more than twenty-six (26) biweekly Pay Periods, the annual salary rates set forth in this Ordinance, as well as the annual sick leave and vacation leave accrual rates, may be exceeded so as to insure that employees' biweekly earnings, and sick leave and vacation leave accrual rates, remain at the same level as in biweekly Pay Periods falling within a twenty-six (26) Pay Period Payroll Year. This provision also applies to the City Manager and members of City Council.
- N. The City Manager is authorized to compensate City employees for the home care of City-owned canines.
- O. For employees that receive City-paid deferred compensation as part of their total annual compensation, the hourly-pay-rate used to compute the conversion of paid-leave-to-cash shall also include the calculable hourly rate for such deferred compensation. Such paid-leave-to-cash conversions include: Terminal pay for accumulated vacation leave or sick leave that is subject to conversion at separation from employment; accumulated leave that is subject to conversion in conjunction with any City-administered leave conversion program; any conversions of paid-leave-to-cash that may be payable to a deceased employee's estate as a final payroll transaction; and any conversions of accumulated sick leave to cash that is payable as a death benefit to a beneficiary or an employee's estate.

Article III. SUPPLEMENTARY BENEFITS FOR REGULAR FULL-TIME EMPLOYEES.

Section 300. EMPLOYEE HEALTH INSURANCE.

- A. Coverage provided by the employee group health benefit plan(s) shall be as stated in the plan documents on file with the City's insurance carriers. The City shall pay its share of the cost of insurance coverage for all Regular Full-Time employees who request coverage and

subscribe to an available plan designation. The City Manager is authorized to make available to and determine the rate of contribution to be paid by Regular Full-Time employees, elected officials and Regular Part-Time employees who the City Manager deems eligible for health insurance through the City's group plan(s). The City Manager, may, at his or her discretion, provide an Employee Wellness Program to eligible employees.

- B. The City may, at the City Manager's discretion, continue to pay its share of the insurance costs for Regular Full-Time employees who are ill but have exhausted all accumulated Sick Leave and Vacation Leave and are being carried in a status of Leave Without Pay. The City Manager may, at his or her discretion, continue insurance coverage for employees seeking a disability retirement for a limited period of time beyond the employee's date of separation; or for the family of a deceased employee for a limited period of time beyond the employee's death. Extension of such coverage is subject to requirements of the group health benefit plan(s) as allowed by the law
- C. The City Manager may, at his or her discretion, authorize that the City contribute to Health Savings Accounts or Health Reimbursement Accounts for medical care for City employees in addition to contributing to a medical insurance policy.
- D. The City Manager may authorize payment to an employee or insurance carrier in order to reduce the City's insurance liability for an employee and/or family members.
- E. The City Manager may insure or self-insure, in whole or in part, for insurance plans under this Section when, in his or her sole determination, doing so would be in the best interest of the City for economic or administrative reasons.
- F. The City Manager may, at his or her discretion, provide Optional Dental Insurance and/or Vision Insurance to employees and elected officials as deemed eligible.

Section 301. EMPLOYEE LIFE INSURANCE.

Effective on the date of hire and allowed by policy, the City will provide each Regular Full-Time employee in Pay Grades 3 through 54, 80 through 82, 100 through 112, 200 through 211, 304 through 306, 401 through 406, 504 and 505, 605 through 606, and 705 through 724, with a term life insurance policy in an amount not to exceed the employee's base annual salary at the time of death plus an equal amount for accidental death and dismemberment coverage.

Effective on the date of hire and allowed by policy, the City will provide each Part-Time Firefighter with a term life insurance policy in the amount of \$15,000 plus \$15,000 accidental death and dismemberment coverage.

Where there are changes in term life insurance coverages above, the amount of term life insurance coverage applicable to eligible employees shall be as provided for in previous Ordinances, until such time as new life insurance coverage is obtained and implemented by the City.

The City Manager may insure or self-insure, in whole or in part, for insurance plans under this Section when, in his sole determination, doing so would be in the best interest of the City for economic or administrative reasons.

Voluntary term life insurance coverage, as allowed by policy, may be made available for purchase by eligible employees on their own life, and the life of eligible dependents, including spouse and child(ren). Regular Full-Time employees, elected officials, Part-Time Firefighters and

Regular Part-Time employees who the City Manager deems eligible may purchase voluntary life insurance through the City's group plan(s).

Section 302. AUTHORIZED ABSENCE.

A. VACATION LEAVE

- (1) Regular Full-Time employees (excluding Firefighters in Pay Grades 401 through 406, Fire Captains in Pay Grades 605 and 605-1, Fire Battalion Chiefs in Pay Grade 606, Patrol Officers in Pay Grades 304 through 306 and Police Sergeants and Lieutenants in Pay Grades 504 and 505) are entitled to Vacation Leave with pay at the following accrual rates in accordance with the length of service criteria as indicated below:

<u>Length of Service</u>	<u>Days per Year</u>	<u>Hours per Year</u>
Up to 5 years	10	80
Over 5 and up to 10 years	12	96
Over 10 and up to 15 years	16	128
Over 15 and up to 20 years	20	160
Over 20 and up to 25 years	23	184
Over 25 years	25	200

Vacation leave shall be accrued on a prorated basis as determined by the City Manager.

- (2) Patrol Officers in Pay Grades 304 through 306 and Police Sergeants and Lieutenants in Pay Grades 504 and 505 are entitled to Vacation Leave with pay at the following accrual rates in accordance with the length of service criteria as indicated below:

<u>Length of Service</u>	<u>Days per Year</u>	<u>Hours per Year</u>
Up to 5 years	10	80
Over 5 and up to 10 years	14	112
Over 10 and up to 15 years	18	144
Over 15 and up to 20 years	21	168
Over 20 years	25	200

Vacation leave shall be accrued on a prorated basis as determined by the City Manager.

- (3) Fire Captains in Pay Grade 605 and 605-1 and Fire Battalion Chiefs in Pay Grade 606, are entitled to Vacation Leave with pay at the following accrual rates in accordance with the length of service criteria as indicated below:

<u>Length of Service</u>	<u>Days per Year</u>	<u>Hours per Year</u>
Up to 5 years	10	80
Over 5 and up to 10 years	13	112
Over 10 and up to 15 years	18	144
Over 15 and up to 20 years	21	168
Over 20 years	25	200

- (3a) Firefighters in Pay Grades 401 through 406 are entitled to Vacation Leave with pay at the following accrual rates in accordance with the length of service criteria as indicated below:

<u>Length of Service</u>	<u>Days per Year</u>	<u>Hours per Year</u>
Up to 5 years	10	80

Over 5 and up to 10 years	14	112
Over 10 and up to 15 years	18	144
Over 15 and up to 20 years	21	168
Over 20 years	25	200

Firefighters, Fire Captains and Fire Battalion Chiefs assigned to work schedules which average fifty-six (56) hours per week accrue vacation leave at rates of 1.4 times the hourly rates shown above. When a Firefighter is transferred to a fifty-six (56) hour workweek schedule, any balance of vacation leave is multiplied by 1.4. When a Firefighter is transferred off a fifty-six (56) hour week schedule, any balance of vacation leave will be multiplied by five-sevenths (5/7).

Vacation leave shall be accrued on a prorated basis as determined by the City Manager.

- (4) Regular Part-Time employees accrue Vacation Leave at the same rate as Regular Full-Time employees subject to the vacation leave accrual table in Section 302.A.(1); however, such leave is prorated on actual hours worked. Regular Part-Time employees are identified in the Table of Organization (Article I.) as holding Regular Part-Time positions in contrast to Part-Time/Temporary Positions which are seasonal or intermittent.
- (5) Vacation Leave accrued and Vacation Leave taken shall be accounted for on a Vacation Year basis. The Vacation Year extends from the first day of the pay period closest to October 1st of one calendar year through the last day of the pay period closest to September 30th of the following calendar year, however, the City Manager is authorized to designate alternate Vacation Year periods for employees. The City Manager may also extend Vacation Year Periods for employees on a case-by-case basis. An employee may not use Vacation Leave for a period of ninety (90) days after initial appointment or last break in service, unless special exception is made by the City Manager on an individual basis to waive or reduce this period.
- (6) An employee may carry accumulated Vacation Leave forward to the next Vacation Year. The total amount of accrued Vacation Leave may not exceed thirty (30) days at the beginning of any Vacation year, except that when an employee in Pay Grades 3 through 54, 80 through 82, 100 through 112, 304 through 306, 401 through 406, 504 and 505, 605 through 606, and 705 through 724 has provided written notice of her/his commitment to retire on a specific date, in which case no limit shall be placed on the accumulation of his/her vacation leave from the date of receipt of such notice of her/his retirement date or for the period of one year preceding her/his retirement date, whichever is shorter. Vacation Leave actually taken during any Vacation Year may be charged to vacation leave accruing during such Vacation Year without regard to the thirty (30) day limitation. Accrued Vacation Leave in excess of thirty (30) days (three hundred thirty-six (336) hours for Firefighters, Fire Captains and Fire Battalion Chiefs working fifty-six (56) hour average workweeks) is dropped and lost at the end of the last day of each Vacation Year.
- (7) When an employee reaches an anniversary date entitling the employee to an increased rate of accumulation, he shall be credited with the increased rate at the start of the pay period closest to the anniversary date. Eligibility to use this additional accumulation begins as soon as accumulation begins.

- (8) To provide flexibility in vacation scheduling, employees with over one year's service shall be permitted, at the discretion of the City Manager, to obtain up to ten (10) days of Vacation Leave credit in advance of accrual. Advance credit, however, shall be covered by Vacation Leave accrual by the end of the Vacation Year, unless special exception is made by the City Manager on an individual basis to extend the allowable time period to cover advance credit by Vacation Leave accrual. The City Manager is authorized to make special exception, on an individual basis, to waive or reduce the one-year service requirement for authorizing an advance of Vacation Leave credit to an employee. The City Manager may authorize employees to contribute earned vacation hours to an account for utilization by other employees or employee groups to fulfill the obligations of collective bargaining agreements.
- (9) The primary purpose of Vacation Leave is to provide employees the opportunity for rest and recuperation. Therefore, it is expected that employees will normally schedule one vacation period per year rather than accumulate Vacation Leave from year to year. Although scheduling of employee Vacation Leave shall be the responsibility of department directors and chiefs and shall be consistent with an efficient work schedule, the requests and needs of employees shall be given due consideration.
- (10) Whenever an employee shall leave the City's employ, he shall be entitled to remuneration for the amount of unused Vacation Leave he has accumulated except for employees who leave the City's employment before completing six (6) months of service.

B. SICK LEAVE

- (1) Regular Full-Time employees accrue Sick Leave at the rate of 15 days, or 120 hours per year on a prorated basis as determined by the City Manager. Firefighters, Fire Captains and Fire Battalion Chiefs assigned to fifty-six (56) hour workweek schedules accrue Sick Leave at 1.4 times the normal rate or 168 hours per year. When a Firefighter, Fire Captain or Fire Battalion Chief is transferred to a fifty-six (56) hour workweek schedule any balance of Sick Leave will be multiplied by 1.4. When a Firefighter, Fire Captain or Fire Battalion Chief is transferred off a fifty-six (56) hour workweek schedule, any balance of Sick Leave will be multiplied by five-sevenths (5/7). The total amount of accrued Sick Leave for Fire Battalion Chiefs in Pay Grade 606, Fire Captains in Pay Grade 605 or 605-1, or Firefighters in Pay Grades 401 through 406 on a fifty-six (56) hour workweek schedule may not exceed 2,912 hours. The total amount of accrued Sick Leave for employees on a 40 hour workweek schedule in Pay Grades 3 through 54, 80 through 82, 100 through 112, 200 through 211, 304 through 306, 401 through 406, 504, 505, 605 through 606, and 705 through 724 may not exceed 2,080 hours. Regular Part-Time employees accrue Sick Leave at the same rate as Regular Full-Time employees; however, the amount of leave accrued is prorated based upon actual hours worked. Employees who are ill and have exhausted all accrued Sick Leave may be granted, at the discretion of the City Manager, up to ten (10) days of Sick Leave credit in advance of accrual. Advance credit, however, shall be covered by Sick Leave accrual within one 12-month period, unless special exception is made by the City Manager on an individual basis to extend the allowable time period to cover advance credit by Sick Leave accrual or to waive the requirement for repayment of advanced Sick Leave.
- (2) Sick Leave is not to be used as vacation or time off. The City Manager or the City Manager's representative may at any time request a doctor's certificate as proof of illness before Sick Leave compensation is paid.

- (3) One-half of all accumulated Sick Leave shall be paid to a designated beneficiary upon the death of a current employee, except that no more than 260 days sick leave accumulation shall be counted in computing death benefits for the beneficiary of an employee eligible to accrue sick leave. Such payment will be in a lump sum based upon the employee's hourly rate of pay at the time of death (excluding any premium pay). If there is no valid written designation of beneficiary on file, or if the designation is for any reason ineffective, the payment shall be made to the employee's estate except that the City may authorize the payment of such amount to any one or more of the surviving spouse, adoptive parents, lineal descendants by adoption, or blood relatives of the employee, or a beneficiary to receive payments after the death of the employee under the State Retirement System, and any such payment shall be in complete discharge of liability with respect to the amount so paid.
- (4) At retirement an employee who has accumulated fifty (50) or more Sick Leave days may convert one-third of all accumulated Sick Leave days in excess of fifty (50), but not more than 260 days, to a lump sum payment. A Firefighter's, Fire Captain's or Fire Battalion Chief's Sick Leave will be computed on a forty (40) hour workweek basis at retirement so as to apply these provisions. These provisions do not apply to service separations other than retirements.

C. INJURY LEAVE

1. Leave with pay may be granted by the City Manager for service connected occupational illness or injury. Compensation for lost time received by the employee from the Bureau of Workers' Compensation and/or the Industrial Commission shall be paid to the Finance Director for such times as the employee received full wages from the City.
2. The City Manager may authorize the Finance Director to advance payment to a Part-Time Firefighter, who was injured in the line of duty, in an amount approximating what the City projects Workers Compensation coverage should be.
3. Injury Leave provisions also apply to Regular Part-time employees.

D. FUNERAL LEAVE

Up to three (3) days Funeral Leave may be granted when a death occurs in the immediate family of an employee, except that up to five (5) days may be granted in the event of the death of an employee's spouse, child, stepchild, parent or parent-in-law. For the purposes of this ordinance, an immediate family is interpreted to include spouse, parent, child, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandparent-in-law, stepchild, grandchild, half-brother, half-sister, or other relative living in the same household. One (1) day's funeral leave may be granted when the death is of a more distant relative. The City Manager may establish different Funeral Leave schedules to accommodate special work schedules or circumstances. Funeral Leave provisions also apply to Regular Part-Time employees.

E. MILITARY LEAVE

1. Short Term Military Leave
 - a. All Regular Full-Time employees are entitled to leave to perform military duty in the uniformed services, either state or federal, for up to 22 eight-hour work days or 176 hours in any calendar year. An employee

taking such military leave shall receive the difference between his/her military pay and his/her regular pay for the period of military duty upon presentation to the Finance Director of satisfactory evidence of military pay. The City shall continue to provide group medical insurance and group life insurance coverage during the employee's military leave. During such Short Term Military Leave, an employee shall be considered to be on a leave of absence without separating the employee from their public service position.

b. These Short Term Military Leave provisions also apply to Regular Part-Time employees on a prorated basis.

2. Extended Military Leave

a. All Regular Full-Time employees are entitled to leave to perform military duty in the uniformed services, either state or federal. Any absence beyond that provided for in Paragraph E. 1. a. of this Subsection, that is not otherwise covered by a City approved paid leave of absence, may result in a separation from the employee's public service position until he or she returns to employment with the City of Kettering. Such leave shall be known as "Extended Military Leave."

b. Regular Full-Time employees called to begin active service in the uniformed services pursuant to an Order by the President of the United States, an Act of Congress or by action of the Governor, shall receive the following Extended Military Leave benefits, subject to the following limitations:

i. Any questions regarding an employee's eligibility for Extended Military Leave benefits or the procedures to followed, shall be subject to the City Manager's authority.

ii. An eligible employee's Extended Military Leave benefits, paid leave and City-provided group medical insurance coverage, will continue throughout the duration of their active military duty, not to exceed a period of 24 months from the commencement of his/her Extended Military Leave. The extension of City-provided group medical insurance coverage may be subject to restrictions by the insurance carrier, insurance contract or other medical plan documents.

iii. Payment of paid "Military Leave" to an eligible employee on Extended Military Leave, shall be in an amount equal to the difference between the employee's regular wage as a City of Kettering public employee and the sum of the employee's gross military pay and allowances received for the period of military duty, contingent upon presentation to the Finance Director of satisfactory evidence of military pay. The Finance Director is authorized to make estimated advance Military Leave payments in the administration of this provision.

iv. Eligible employees may elect to receive continuation of City provided group health insurance coverage, including eligible dependent coverage; however, such coverages are subject to the same exclusions and limitations currently in effect by the carrier or as may be placed in effect by the carrier subsequent to the passage of this Ordinance. In a similar manner, the City Manager may, at his or her discretion, authorize eligible employees to receive the continuation of other insurance benefits. The premium cost for such coverage shall be paid by the City, to the same extent such premium costs are paid for by the City for other similarly classed employees.

c. Except for as provided in Section 302. Authorized Absence, Subsection E. Military Leave, no other Extended Military Leave benefits are provided.

3. Authority - The provisions of Section 302. Authorized Absence, Subsection E. Military Leave, are intended to entirely replace the provisions of O.R.C. Section 5923.05.

F. AUTHORIZED LEAVE-WITHOUT-PAY

(1) BIRTHING PARENT AND BONDING LEAVE. A regular full-time or regular part-time employee who is pregnant may use a combination of different leaves, if necessary, during the course of a pregnancy and the birth of the child(ren). Sick Leave may be used under the conditions set forth in Policy No. 301: Sick Leave. Unless supported by satisfactory medical evidence, sick leave for childbirth will not be available beyond six (6) weeks after the birth of the child(ren). Earned Vacation Leave, Personal Leave and EDOs may be used at any time during the course of the pregnancy, and/or following the birth of the child(ren), in accordance with Policy No. 302: Vacation Leave, and Policy No. 303: Personal Leave and EDOs.

(2) SPECIAL LEAVE. Leave-Without-Pay for personal reasons may be granted by the City Manager upon request for periods not in excess of ninety (90) calendar days. Employees absent due to illness may be granted such leave after Sick Leave has expired. Such leave may be extended or renewed beyond a total of ninety (90) calendar days with the approval of the City Manager. Upon return from such leave, the employee will be reinstated to the employee's old position, if it is available, or to one of equal grade. The City may, at the employee's request, continue to pay its share of the premium for the employee's medical care and life insurance.

G. JURY DUTY

When an employee is called to serve as a juror in any court, the City Manager may authorize that the employee continue to receive her or his regular City pay during that period she or he serves as a juror. Jury Duty provisions also apply to Regular Part-Time employees.

H. The City Manager has the authority to grant paid administrative leave when in his or her discretion no other type of leave is appropriate.

Section 303. HOLIDAYS.

- A. The following ten (10) days shall be holidays for which all Regular Full-Time and Regular Part-Time employees shall receive their regular compensation:

New Year's Day	
Dr. Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	
Christmas Eve	
Christmas Day	

- B. For employees in Pay Grades 304 through 306, and Pay Grades 504 and 505, December 31st is designated as a holiday in lieu of the Day After Thanksgiving.
- C. The City Manager is authorized to make adjustments in the holidays designated in "A" and "B" above, particularly when any of the above designated days falls on a Saturday or Sunday, providing that there shall be a total of ten (10) paid holidays recognized for any one calendar year.
- D. Crossing Guards shall receive their regular compensation (i.e., holiday pay) for all City recognized holidays above, with the exception of Independence Day. In addition, Crossing Guards shall also receive their regular compensation for any School District Calamity Day or In-Service Day / Professional Trade Day that occurs while schools are in session. No holiday pay shall be due Crossing Guards for holidays and/or school breaks recognized by the School District that differ from City recognized holidays.
- E. Full-time employees eligible for overtime compensation, except those described in paragraph G, shall receive two (2) times their regular rate in addition to their regular compensation (holiday pay) for work performed on the day observed as the holiday, or for Firefighters, on the actual holiday, unless the holiday is a regular scheduled work day. An exception is that the City Manager may stipulate that one and one half times the regular rate be paid for such overtime on Labor Day.
- F. Firefighters, Fire Captains or Fire Battalion Chiefs working a four (4) 10-hour day/work schedule will receive 10 hours holiday pay if the recognized holiday falls on the employee's normally scheduled work day; if the recognized holiday does not fall on a Firefighter's, Fire Captain's or Fire Battalion Chief's normally scheduled work day, the Firefighter, Fire Captain or Fire Battalion Chief will receive no holiday pay. The City Manager may make adjustments in a Firefighter's, Fire Captain's or Fire Battalion Chief's holiday hours/pay to avoid potential inequities resulting due to a Firefighter's, Fire Captain's or Fire Battalion Chief's schedule.
- G. Police Department and Fire Department personnel assigned to rotating or other shifts which require an employee to regularly work a full work schedule during the week in which a holiday occurs will be paid an extra day's pay for each such holiday. Such Regular Full-Time employees who are regularly eligible for overtime pay shall receive double their regular rate for work on a holiday in excess of a regular eight (8) hour shift or twenty-four (24) hour shift for Firefighters assigned to a fifty-six (56) hour average workweek schedule. The City Manager may, at his or her sole discretion, extend similar double-time provisions to Regular Part-Time employees in the Police Department who

work on a holiday in excess of their regularly scheduled hours. A sworn Police Officer may trade one (1) day or two (2) days off per year for the extra holiday pay he/she would receive for one or two holidays. Such a trade must have the advance approval by the Chief of Police.

H. Patrol Officer, Police Sergeant or Police Lieutenant who is scheduled to work on a holiday, will be paid at a premium rate of time and one-half his or her base hourly rate for all scheduled hours worked.

I. PERSONAL LEAVE AND EARNED DAYS OFF

(1) In addition to the ten (10) paid holidays indicated above in this Section, each Regular Full-Time employee may be granted three (3) days (24 hours) of paid Personal Leave annually. Regular Full-Time non-sworn Public Safety Dispatchers and Police Department Uniformed Deputy Bailiffs and Jailers may be granted four (4) days (32 hours) of paid Personal Leave annually. Police Officers may be granted five (5) days (40 hours) of paid Personal Leave annually. Regular Full-Time employees in Firefighting positions, working a 40 hour per week schedule, may be granted forty (40) hours of paid Personal Leave annually. Paid Personal Leave must be scheduled in advance and be approved by the department director.

(2) Personal Leave will be accounted for on an annual basis, as determined by the City Manager, with no accumulation or carryover from one year to the next. An employee is entitled to his or her Personal Leave Credit for the year during which he or she received an initial appointment, provided employment commenced prior to October 1st, except that an employee may not receive credit for his or her third, fourth or fifth day of paid Personal Leave unless employment commenced prior to July 1st. An employee is not entitled to a Personal Leave day until a minimum of thirty (30) days have elapsed after initial appointment or last break in service, unless special exception is made by the City Manager on an individual basis to waive or reduce this period.

(3) A Firefighter, Fire Captain or Fire Battalion Chief assigned to a fifty-six (56) average hour workweek schedule shall not receive Personal Leave days but instead shall receive twelve (12) EDOs annually. EDOs must be scheduled in advance in compliance with Fire Department procedures and approved by the Fire Chief. The Fire Chief will determine the smallest increments in which EDOs are accounted for, with no accumulation or carryover from one year to the next.

Section 304. EDUCATIONAL ASSISTANCE.

A. The City will pay 80% of the tuition costs, necessary fees and texts for courses related to a Regular Full-Time employee's current position or her/his preparation for career advancement. The maximum payment for all Regular Full-Time employees shall be \$1,000 per calendar year.

B. Requests for educational assistance must be submitted by an employee to the City Manager through division and department directors and the Director of Human Resources.

- C. If the employee's service with the City is terminated for any reason within two (2) years of completion of the course, the City Manager may require that he or she return the City's outlay on a pro rata basis.
- D. The City Manager may authorize the advance of educational assistance for an employee from future years and formulate an equitable arrangement for pay back to the City should the employee terminate their service with the City.

Section 305. UNIFORM ALLOWANCE.

- A. Upon appointment, Regular Full-Time employees in the positions of Police Chief, Fire Chief, Police Captain, Assistant Fire Chief, Fire Battalion Chief, Police Lieutenant, Fire Captain, Police Sergeant, Patrol Officer and Firefighter shall be furnished minimum uniform requirements which remain City property until the individual has served one (1) year. All of the above employees issued uniforms shall receive an annual uniform allowance to be distributed in four (4) equal payments at the beginning of each quarter (for Patrol Officers such payments will be included with the pay for the second Pay Period of each quarter); except that the uniform maintenance allowance is only paid to an eligible employee after the employee's completion of one (1) year of service. In the event that an employee leaves the City's employment prior to the end of the quarter, no refund on uniform allowance shall be required. The Police Chief, Police Captains, Police Lieutenants, Police Sergeants and Police Patrol Officers shall receive an annual uniform maintenance allowance of \$1,500 The Fire Chief, Assistant Fire Chiefs, Fire Battalion Chiefs, Fire Captains and Firefighters shall receive an annual uniform maintenance allowance of \$700 (beginning in 2013), in conjunction with their participation in a Quartermaster Program.
- B. The City Manager is authorized to provide a uniform allowance or purchase (or reimburse employees for the purchase) or rent uniforms, including safety/work shoes, for those employees for whom he determines such an arrangement is appropriate. The extent and provision of such arrangement shall be at the discretion of the City Manager. All clothing furnished shall remain the property of the City.
- C. In lieu of, or in combination with, the annual uniform allowances specifically provided for in Section 305.A., the City Manager is authorized to purchase or rent uniforms, including safety/work shoes, as provided for in Section 305.B. When using this provision, the City Manager may reduce or eliminate such allowances and vary the amount and interval of any allowance to be paid to an employee.

Section 306. ANNUAL PHYSICAL EXAMINATION OF CITY MANAGER, DEPARTMENT AND DIVISION DIRECTORS.

The City Manager may authorize payment to an appropriate medical facility or physician, for the administration of an annual physical examination to employees and/or officials at the level of City Manager, Assistant City Manager, Department Director and Division Director.

Section 307. FLEXIBLE SPENDING ACCOUNTS, HEALTH SAVINGS ACCOUNTS AND HEALTH REIMBURSEMENT ACCOUNTS

- A. Regular Full-Time employees, and other employees, as deemed eligible by the City Manager, may participate in Flexible Spending Accounts (FSAs), Health Savings Accounts (HSAs), Health Reimbursement Accounts (HRAs) and other benefit arrangements qualifying under Section 125 and Section 223 of the Internal Revenue Code. Such accounts are provided for under a Plan Document (the "Plan") and allow

eligible employees to take advantage of tax-effective opportunities to pay for certain benefits with before-tax dollars.

- B. On behalf of the City of Kettering, the City Manager is authorized to sign Plan Documents (the "Plan") adopting, implementing, maintaining and revising Flexible Spending Accounts, Health Savings Accounts, Health Reimbursement Accounts, and other accounts; all such accounts qualifying under Section 125 and Section 223 of the Internal Revenue Code.
- C. On behalf of the City of Kettering, the City Manager is authorized to sign agreements, and amendments to same, with a third party administrator in order to provide for the administration of the Plan or portions thereof. The City Manager is authorized to set Plan Year effective dates for each Plan Account, and to set eligibility dates for various employee groups to begin Plan participation.
- D. The Plan's design may include the following Accounts (illustrative only), which are subject to the provisions of the Plan and applicable IRS regulations:
 - 1. Dependent Care – Flexible Spending Account — Employees may pay for qualifying dependent/child care expenses on a before-tax basis.
 - 2. Medical Reimbursement – Flexible Spending Account and Health Savings Accounts, and Health Reimbursement Accounts — Employees may pay for qualifying unreimbursed health care expenses incurred for themselves and eligible dependents on a before-tax basis.

Article IV. ADMINISTRATIVE AND PROCEDURAL MATTERS.

Section 400. The Finance Director may expend City funds as approved by the City Manager for supplies, food, beverages and staff support at meetings, work sessions or other gatherings of City employees, Council, Boards, Commissions, Committees, Volunteers and guests.

The City Manager is authorized, and at his or her sole discretion, may approve the purchase of alcoholic beverages for the functions stated in Sections 400 and 401, especially where he deems such purchase and consumption is consistent with the promotion of the general business of the City, the welfare of the municipality, and recognition determined to be in the best interests of the City.

Section 401. In recognition of years of service and in recognition of special contributions made by members of City Council, City Employees, Part-Time Firefighters, members of boards and commissions and other volunteers, the City Manager may authorize the expenditure of City funds, as appropriate, for service awards, recognition awards, items of monetary value and to assume/offset payroll withholdings that an award recipient might otherwise be obligated for, in a manner consistent with such recognition.

Section 402. CLAIMS FOR LOSS OF EMPLOYEE PROPERTY.

- A. The City will not accept responsibility for any loss of employee's personal property incurred either on or off of duty except when an employee has been suddenly and unexpectedly called out for emergency duty without an opportunity to divest themselves of personal property attached to the employee's body, such as apparel, fountain pens, watches,

dentures or inexpensive jewelry. In no case will the City assume responsibility for expensive watches, jewelry, or other costly items which should be insured by the owners.

- B. No reimbursement will be made to employees for articles that are not normally worn or attached to the body or for articles that are deliberately taken to work by them for their own satisfaction. Nor will any reimbursement be made to employees by the City for losses sustained as a result of their misconduct. In those cases, where reimbursement is authorized, it will be limited to no more than the actual cost of repairs or to the original cost of the items.

Section 403. PERSONNEL BONDS.

The following personnel shall be separately bonded for amounts not less than indicated:

Finance Director	\$25,000
Clerk of Courts (set by judges)	6,000
All other employees as deemed necessary by the City Manager	

All employees not covered by separate bond shall be included in the "Public Employees Blanket Coverage Endorsement." All such bonds shall be faithful performance bonds.

Section 404. POLICE PROFESSIONAL LIABILITY INSURANCE.

The City will provide Police Professional Liability Compensatory Damage Insurance Coverage for each full-time Police Officer while acting within the scope of his or her employment.

Section 405. LEGAL SERVICES FOR KETTERING SCHOOL BOARD.

The Law Director, although it is determined and provided not to be required as part of his or her normal duties, may contract with the Kettering City Board of Education to provide it legal services.

Section 406.

The City will pay the Ohio Supreme Court registration fees for all full-time City Attorneys.

Section 407. CAR ALLOWANCE.

The City Manager, at his or her sole discretion, may authorize payment of a car allowance in the amount of not more than \$375 per month, in lieu of providing City vehicles, to certain staff.

Section 408. EFFECTIVE DATE OF COMPUTATIONS.

Any changes in Article I Table of Organization and Position Classification Plan or the benefits for full-time, part-time and temporary employees, shall be computed from and after the earliest date provided by law, unless otherwise provided.

The effective date of computations for pay schedules and compensation for Regular Full-Time employees shall be computed from and after December 25, 2017, unless otherwise provided.

The compensation for the Mayor and other Council Members shall be computed from and after January 1, 2018. Future compensation is controlled by and subject to Section 3-5 of the City Charter.

The effective date of computations for the pay schedule for non-sworn Public Safety Dispatchers in Pay Grades 80 through 82, Section 200a, shall be computed from and after May 29, 2017.

The effective date of computations for pay schedules in Section 202 shall be computed from and after March 5, 2018.

The effective date of computations for pay schedules in Section 203 shall be computed from and after February 19, 2018.

The effective date of computations for pay schedules in Section 204 shall be computed from and after August 21, 2017.

The effective date of computations for pay schedules in Section 205 shall be computed from and after December 26, 2016.

The effective date of computations for pay schedules in Section 206 (Pay Grades 605 and 605-1) shall be computed from and after December 25, 2017.

The effective date of computations for pay schedules for Part-Time and Temporary employees in Section 209, paragraph A, and Regular Part-Time employees in Section 209, paragraph B, shall be computed from and after December 25, 2017.

Section 409. ORDINANCES REPEALED.

Ordinance No. 4300-17 is hereby repealed in its entirety; except that employees shall be compensated as provided for in previous Ordinances until the effective dates of these new pay schedules.

Section 410. GRANTING OF PAY INCREASES AND OTHER SUPPLEMENTAL BENEFITS.

Nothing in the pay schedules or supplemental benefits authorized by this Ordinance shall be construed to require the City to grant increases in pay or benefits above the rates or levels as were authorized in previous Ordinances. Increases in pay or benefits are at the discretion of the City Manager. Similarly, at the sole discretion of the City Manager, any one or more employees (including employees who separated employment after the effective date of pay or benefit increases, however, before such increases are calculated, paid or realized) may or may not receive part or all of any general or across-the-board pay increases or increases in benefits authorized by the City Council, or may receive it at whatever date is determined by the City Manager.

Section 412. OFFICE OF CLERK OF COUNCIL

The Mayor shall have all authority necessary to manage and supervise, in conjunction with the City Manager, all employees in the Office of Clerk of Council, including the Clerk of Council; such authority shall be the same as the City Manager's authority to manage and supervise all other employees of the City and includes, by way of example and not limitation, authority to assign additional duties, approve leave time, payroll, and schedules, evaluate employee performance, and discipline employees. The Mayor shall report to City Council from time to time regarding the exercise of this authority.

Section 413. EFFECTIVE DATE OF ORDINANCE.

This ordinance shall take full force and effect from and after the earliest period provided by law.

Passed this _____ day of _____, 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL:

LASHAUNAH D. KACZYNSKI
Clerk of Council

THEODORE A. HAMER, III
Law Director

(Requested by Human Resource Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**APPROVING AN EMPLOYMENT AGREEMENT FOR
MARK W. SCHWIETERMAN TO CONTINUE AS CITY
MANAGER OF THE CITY OF KETTERING**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The employment agreement attached hereto as Exhibit A and incorporated herein, for Mark W. Schwieterman to continue as the Kettering City Manager is approved. The Mayor is authorized to sign the agreement on behalf of the City.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor.

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: City Council)

EXHIBIT A

(11 total pages, including this page)

EMPLOYMENT AGREEMENT

This agreement to employ a City Manager (this "Agreement") is made and entered into by and between **THE CITY OF KETTERING, OHIO**, a municipal corporation, hereinafter called "Employer" or "City", and **MARK W. SCHWIETERMAN**, hereinafter called "Employee."

WITNESSETH:

WHEREAS, the Employee has been employed by the City in excess of twenty-five years in various positions, including being employed the twelve immediate previous years in the position of City Manager; and

WHEREAS, the current agreement between the Employer and the Employee will very soon or has only recently terminated by its own operation; and

WHEREAS, in conformance with Section 5-1 of the Charter of the City of Kettering, the Employer desires to retain the services of said Employee as the City Manager of the City of Kettering, and Employee desires to be retained in the same position;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1 - DUTIES

Employer hereby agrees to employ said Mark W. Schwieterman as City Manager of said Employer to perform the functions and duties specified in the Charter of the City of Kettering, Ohio, the Kettering Codified Ordinances and Administrative Rules and Regulations, as the same presently exist or may hereinafter be amended, and to perform other legally permissible and proper duties and functions as the City Council shall from time to time assign to the City Manager.

SECTION 2 - TERM

A. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of Employee, with or without reason, and at any time, subject only to the provisions set forth in Section 4, Paragraphs A, B and C, of this Agreement.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with Employer, subject only to the provision set forth in Section 4, Paragraph C, of this Agreement.

C. Employee agrees to remain in the exclusive employ of Employer, and neither to accept other employment nor to become employed by any other employer before providing to Employer at least sixty (60) calendar days advance written notice of Employee's intent to terminate this Agreement. For the purposes of this Section of this Agreement, the term "employed" shall not be construed to include occasional teaching, writing, consulting, or military reserve service performed on employee's time off. Nothing herein shall be construed to permit a conflict of interest between those activities and the Employee's responsibilities to Employer. "Consulting" includes work of a temporary, part-time nature that does not interfere with or detract from Employee's responsibilities to Employer. For avoidance of doubt, Employee may not perform consulting for or work for any government entity or political subdivision during the term of this Agreement.

SECTION 3 - SUSPENSION

Employer may suspend the Employee with full pay and benefits at any time during the term of this Agreement, but only in accordance with Section 5-6 of the Kettering City Charter.

SECTION 4 - TERMINATION AND SEVERANCE PAY

A. In the event Employee is terminated without cause during the term of this Agreement and during such time as Employee is willing to perform his duties under this Agreement, Employer agrees to pay to Employee: (i.) any unpaid balance of salary then due Employee; (ii.) a lump sum cash payment ("Severance Pay") equal to 12 months aggregate salary; and (iii.) twelve months of continued family plan health insurance coverage under COBRA during which Employer will pay the standard City of Kettering share of the premium costs for City of Kettering employee family plan health insurance coverage with Employee paying any difference; if at any time after termination Employee becomes eligible for and

receives health insurance coverage under another health insurance plan, then this health insurance severance benefit will terminate; and (iv.) a payment for any accrued leave pursuant to the then adopted policies of the City. Such payments shall be subject to normal deductions for PERS, taxes and other withholdings required by law, and such deductions and withholdings shall be made by Employer on Employee's behalf.

B. Notwithstanding the provisions of Subparagraph "A" above, the Employer shall have the right to terminate this Agreement without Severance Pay in the event Employee is convicted of a criminal offense (other than a traffic offense). In addition, the City Council of the City of Kettering may, nevertheless, terminate this Agreement without Severance Pay for malfeasance or serious misconduct on the part of Employee, provided that five (5) or more of the members of the Kettering City Council are in agreement as to such termination. In the event such action is contemplated, Employee shall be advised in writing of the specific instances of such malfeasance or misconduct and pursuant to Section 5-6 of the Kettering City Charter shall be provided with an opportunity to be heard with respect thereto. Any termination under this provision shall entitle Employee to payment for unused vacation pay to the extent provided for herein.

C. If at any time during the term of this Agreement Employer refuses, following written notice, to comply with any provision of this Agreement benefiting Employee, or if Employee resigns at the request of at least five (5) of the members of City Council, Employee may, at his option, be deemed terminated and entitled to Severance Pay as provided in Paragraph A, above, of this Section 4, unless such resignation is requested for just cause.

SECTION 5 - SALARY

A. Employer agrees to pay Employee for his services rendered pursuant to this Agreement as follows: (i.) for the period commencing December 24, 2018 up through and including December 23, 2019 or the end date of the pay period closest to December 23, 2019, and subject to the provisions of Subsection "C" of this Section 5, Employee shall be paid a "base salary" calculated with an hourly base rate of \$85.54 per hour; and (ii.) for the period commencing December 23, 2019, or the start date of the pay period closest to December 23, 2019, up through and including December 31, 2022 the base salary of the Employee shall be periodically increased or decreased pursuant to the provisions of Subsection "C" of this Section 5.

B. The annual base salary of the Employee is based on a 2,080 work hour year, regardless of the actual amount of hours worked by Employee, plus a 26 pay period year. If the Employee is employed during a year with 27 pay periods, then in addition to the annual base salary Employee shall be paid for the 27th pay period an amount equal to 80 hours multiplied by the hourly base rate in effect during the 27th pay period. Employee's annual base salary shall be payable in installments at the same time as other employees of the City are paid.

C. Except as may otherwise be provided for in this Agreement, at each time on or after December 24, 2018, that Employer uniformly increases or decreases the maximum salary levels of all Department Head positions and the position of Assistant City Manager of the City (pay grade levels 722-724), Employer agrees to similarly increase or decrease the then annual base salary to Employee. In other words, if Employer should increase or decrease the maximum salary levels of Department Heads and the Assistant City Manager of the City by a uniform percentage, then Employer shall increase or decrease the then base salary of the City Manager by the same percentage as the percentage increase or decrease of the maximum salary of the Department Heads and the Assistant City Manager. (For Example: If the City Council should approve that all Department Heads and the Assistant City Manager of the City receive on a particular date a 3% increase to their annual base salary, then the City Manager shall receive on the same particular date a 3% increase to his then annual base salary).

D. At all times while this Agreement is in effect, Employer shall contribute each year, or prorated in the event of Agreement termination resulting in a portion of a year, an amount equal to ten percent (10%) of Employee's then annual salary (calculated by use of the base hourly rate in Subsection "A" or changed by the provisions of Subsection "C" hereof) to a qualified deferred compensation plan as selected by Employee.

SECTION 6 - PERFORMANCE AND EVALUATION

The City Council shall review and evaluate the performance of the Employee at least once each calendar year. Said review and evaluation shall be in accordance with specific criteria developed jointly by Employer and Employee.

SECTION 7 - HOURS OF WORK

Employee recognizes and acknowledges that Employee may be required to work a number of hours in excess of 40 hours per week to perform duties required of Employee by this Agreement. Also, it is recognized and acknowledged that because Employee must devote a certain amount of time outside the

normal office hours to business of the Employer, therefore Employee will be allowed to take compensatory time off as he shall deem appropriate during said normal office hours.

SECTION 8 - AUTOMOBILE AND PHONE

A. Employer acknowledges and agrees that Employee's duties require that at all times during his employment with Employer he shall have the exclusive and unrestricted use of an automobile provided to him by the Employer, and such automobile shall be suitable for executive use. Employer shall be responsible for paying for liability, property damage and comprehensive insurance and for the purchase (or rental), operation, maintenance, repair and regular replacement of said automobile. In lieu of an Employer provided automobile, Employee may, at Employee's sole discretion, opt for a car allowance in the amount of \$4,500.00 annually, payable in 24 equal installments. However, each time that Employer uniformly increases or decreases the car allowance for other eligible employees, the Employee's car allowance shall be similarly increased or decreased.

B. Employer acknowledges and agrees that Employee's duties require that at all times during his employment with Employer he shall have the unrestricted use of a cell phone provided to him by the Employer. Such cell phone shall be capable of data transfer, and shall be compatible with and suitable for the then current cell phone technology so that Employee can easily communicate with other cell phones using the then latest cell phone technology. Employer shall be responsible for paying for all usage of the cell phone, and for the purchase (or rental), repair and regular replacement of said cell phone. In lieu of an Employer provided cell phone, Employee may, at Employee's sole discretion, opt for a cell phone allowance in the amount of \$480.00 annually, payable in 12 equal installments. However, each time that Employer uniformly increases or decreases the cell phone allowance for other eligible employees, the Employee's cell phone allowance shall be similarly increased or decreased.

SECTION 9 – VACATION, SICK AND PERSONAL LEAVE

Employee shall accrue, and have credited to his personal account, vacation, sick and personal leave at the same rate as other general administrative employees of Employer.

SECTION 10 - DISABILITY, HEALTH AND LIFE INSURANCE

A. Employer agrees to cause to be put into force, maintained, and to make required premium payments for the benefit of Employee, insurance policies for accident, sickness, dental, disability income benefits, major medical and dependent's group insurance coverage consistent with that which is offered to

other full-time City employees or as may be specified by the then current and effective City of Kettering ordinance commonly known as the "Personnel Ordinance" or "Pay Ordinance", whichever particular policy coverage benefit may be determined greater by the Employee. Furthermore, Employer agrees to cause to be put into force, maintained, and to make required premium payments for the benefit of Employee a life insurance policy in the amount of \$250,000.00 and with the beneficiary at Employee's sole selection.

B. At a frequency of Employee's choosing, but no more frequent than once per calendar year, Employee agrees to submit to a complete physical examination by a qualified physician selected by the Employer, the cost of which shall be paid by the Employer. Employer may request and receive a copy of all medical reports related to said examination. At the request of the City Council, Employee shall submit to such a complete physical examination on an annual basis.

SECTION 11 - DUES AND SUBSCRIPTIONS

A. Employer agrees to budget and to pay for the professional dues and subscriptions of Employee for professional and official travel, meetings and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for Employer, including but not limited to the Annual Conference of the International City Management Association, Ohio City Management Association and such other national, regional, state and local governmental groups and committees thereof which Employee serves as a member.

B. Employer agrees to budget and to pay for the travel and subsistence expenses of Employee for short courses, institutes and seminars that are necessary for his professional development and for the good of the Employer.

SECTION 12 - GENERAL EXPENSES

Employer recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by Employee, and hereby agrees to reimburse or to pay said general expenses as are customary and usual in pursuit of daily professional activity.

SECTION 13 - CIVIC CLUB MEMBERSHIP

Employer recognizes the desirability of City of Kettering representation in and before local civic and other organizations. As such, Employee is authorized to become a member of the Kettering Rotary Club and other civic organizations as he can comfortably and reasonably participate in, for which Employer shall pay all expenses. All such expenses shall not exceed \$500.00 each calendar year.

SECTION 14 - INDEMNIFICATION

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager. Employer may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Notwithstanding the foregoing, however, Employer has no obligation hereunder to so defend, save harmless and indemnify employee in the event such tort, professional liability claim or demand or other legal action is based upon misconduct of Employee or Employee's willful violation of law or the willful criminal act of Employee or if Employee is delinquent with respect to his duties assumed hereunder.

SECTION 15 - BONDING

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

SECTION 16 - OTHER TERMS AND CONDITIONS OF EMPLOYMENT

A. The Council, in consultation with the Employee, shall fix, in writing, such other terms and conditions of employment as it may determine from time to time and which relate to the performance of Employee, provided such terms and conditions are not material to, not inconsistent with, not in conflict with and/or would require alteration or amending this Agreement, the City Charter or any policy or ordinance of the City.

B. All provisions of the City Charter and Code and regulations and rules of the Employer relating to vacation leave, sick leave, personal leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended, also shall apply to Employee as they would to other employees of Employer, in addition to said benefits enumerated specifically for the benefit of Employee, except as may be otherwise provided for in this Agreement.

C. Employee shall not carry forward, from one calendar year to another, vacation amounts in excess of two hundred forty (240) hours, except (i.) upon written approval of the Mayor, or (ii.) except as such amount may be exceeded by authority of the then current City of Kettering ordinance commonly known as the "Personnel Ordinance" or "Pay Ordinance" for employees providing written notice of their commitment to retire on a specific date and such employees are in Pay Grades 705 through 724. Furthermore, the Employee shall be compensated for all accrued sick leave in accordance with the then appropriate schedule available to similar City of Kettering administrative employees.

SECTION 17 - NOTICES

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

(1) EMPLOYER: Mayor
Office of the City Council
3600 Shroyer Road – South Building
Kettering, Ohio 45429

with a copy to:

Law Director
City of Kettering
3600 Shroyer Road – South Building
Kettering, Ohio 45429

(2) EMPLOYEE: Mark W. Schwieterman


Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal

service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION 18 - GENERAL PROVISIONS

A. The text herein shall constitute the entire Agreement between the parties regarding the subject matters herein. All previous agreements between the parties, whether oral or written, concerning the subject matters of this Agreement shall have no force and effect.

B. This Agreement shall be binding upon and inure to the benefit of Employee's heirs and executor.

C. This Agreement shall be deemed effective December 24, 2018. In the event this Agreement is entered into after December 24, 2018, the parties agree the intent of this Agreement is to be retroactive to December 24, 2018. Therefore, all salary provisions of Section 5 of this Agreement, including but not limited to the Employer contribution under Subsection "D" of Section 5, shall be retroactive to December 24, 2018. However the Employer shall receive a credit against salary and Employer contributions paid to or in benefit of Employee under this Agreement for salary and contributions paid by Employer to or in benefit of the Employee under a different employment agreement between Employer and Employee and for the period of time December 24, 2018 up to the date this Agreement is entered into by and among the parties.

D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

E. Any modification or amendment of this Agreement shall be in writing and by mutual agreement of the parties.

SECTION 19 - DURATION

Unless terminated by mutual written agreement of the parties or by its own operation, this Agreement shall be in full force and effect up through and including December 31, 2022. The Employer shall provide notice to the Employee as to whether Employer intends to extend the term of this Agreement and to retain the Employee in the position of City Manager beyond December 31, 2022. Such notice shall be in writing and shall be served upon Employee no later than September 30, 2022. Failure to

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A
DONATION OF CARBON MONOXIDE DETECTORS FROM
FIREFIGHTER'S & COMPANY FEDERAL CREDIT UNION**

WHEREAS, a donation of 25 carbon monoxide detectors has been offered to the City of Kettering from Firefighter's & Company Federal Credit Union; and

WHEREAS, the Kettering Fire Department will distribute the detectors to City of Kettering residents who need detectors for their homes but may not be able to afford to purchase them;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to accept a donation of 25 carbon monoxide detectors from Firefighter's & Company Federal Credit Union for distribution to Kettering residents through a program administered by the Kettering Fire Department.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Fire Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A CASH
DONATION FROM THE HUNDRED CLUB**

BE IT RESOLVED by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to accept a donation of \$4,000 from The Hundred Club for use by the Police Department.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III,
Law Director

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF
THE CITY OF KETTERING, STATE OF OHIO, DURING
THE FISCAL YEAR ENDING DECEMBER 31, 2018**

Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. To provide for the current expenses and other expenditures of the City of Kettering during the fiscal year ending December 31, 2018, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

ECONOMIC DEVELOPMENT	
Operating Expenses	\$387,500.00
POLICE DEPARTMENT	
Personal Service	\$275,000.00
FIRE DEPARTMENT	
Personal Service	\$210,000.00
TRANSFERS TO OTHER FUNDS	
Street Maintenance Fund	\$438,000.00
Police Pension Fund	\$110,000.00
Parks & Recreation Fund	\$105,000.00

B. From the Street Maintenance Fund:

STREET DEPARTMENT	
Operating Expenses	\$438,000.00

C. From the Police Pension Fund:

POLICE DEPARTMENT	
Personal Service	\$110,000.00

D. From the Parks & Recreation Fund:

Personal Service	\$105,000.00
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Section 2. The Director of Finance is authorized to adjust appropriations within any fund or department as long as the adjustments made do not exceed the total appropriation authorized within that fund or department.

Section 3. The Clerk of Council is authorized and directed to forward a copy of this Resolution to the Montgomery County Auditor.

Section 4. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III
Law Director

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN EMERGENCY ORDINANCE

By:

No.

**TO AMEND VARIOUS SECTIONS OF CHAPTER
192 OF THE CODIFIED ORDINANCES
REGARDING INCOME TAX TO INCORPORATE
CHANGES REQUIRED BY THE STATE OF OHIO
AND DECLARING AN EMERGENCY**

WHEREAS, House Bill (H.B.) 49 of the 132nd General Assembly, the State's general appropriations bill for the biennium, includes uncodified Section 803.100 purporting to require that municipalities adopt certain municipal income tax provisions that are also adopted within H.B. 49 to authorize State officials to collect and administer municipal net profits taxes; and

WHEREAS, Section 803.100 of H.B. 49 references and relies upon Section 718.04(A) of the Ohio Revised Code, which purports to make municipal income taxing authority conditional upon a municipality's adoption of code sections as dictated by the State; and

WHEREAS, although the municipal income tax provisions of H.B. 49, and Section 718.04(A) of the Ohio Revised Code, violate the Home Rule Amendment, the City nevertheless is compelled to adopt H.B. 49's municipal income tax provisions, to avoid any doubt as to its ability to impose a municipal income tax under the terms of Section 803.100 of H.B. 49 and Section 718.04(A) of the Ohio Revised Code; and

WHEREAS, the City is a party to ongoing litigation seeking a declaration that the H.B. 49 municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, and other provisions of Ohio law that usurp the powers of local self-government are unconstitutional, and to enjoin all actions by state officials to implement the H.B. 49 municipal income tax provisions; and

WHEREAS, the City, by enacting this Ordinance, does not concede the legality of H.B. 49's municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, or any other law that is subject to the lawsuit in which the City is participating, and reserves its right to continue prosecution of that lawsuit; and

WHEREAS, further changes were made to Ohio Revised Code Chapter 718 by Substitute House Bill Number 133 of the 132 General Assembly which, for the reasons described above, need to be incorporated into Chapter 192 of the Codified ordinances;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, State of Ohio, at least five of the members concurring, that:

Section 1. Sections 192.03, 192.091, and 192.10 of the Codified Ordinances are amended to read as set forth in Exhibit A, attached hereto and incorporated herein.

Section 2. Council hereby expressly finds and determines that it does not concede the legality of H.B. 49's municipal income tax provisions; Section 803.100 of H.B. 49; Section 718.04(A) of the Ohio Revised Code; or any other law that is the subject of the action pending in Case Number 2017 CV 10258 in the Franklin County Court of Common Pleas and Case Number 18 AP 000144 in the Court of Appeals of Franklin County, Ohio, and that the City reserves its rights to continue its participation in and prosecution of said litigation, and any other litigation challenging the State's authority to dictate municipal tax collection and administration, and that adoption of this Ordinance shall not prejudice the claims of the City of Kettering therein.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, which shall be effective upon passage, such emergency arising from the coercive provisions of law found in H.B.

49 and Section 718.04(A) of the Ohio Revised Code and the need for the City to comply with the H.B. 49 municipal income tax provisions and Section 718.04(A) of the Ohio Revised Code if and to the extent they are not declared to be unconstitutional.

Section 4. If any provision of the H.B 49 municipal income tax provisions is found unconstitutional, or is stayed or enjoined, the provisions adopted in Section 1 of this Ordinance shall likewise be stayed.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Finance Department)

EXHIBIT A

(19 total pages, including this page)

Key to Proposed Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

192.03 DEFINITIONS

Any term used in this Chapter that is not otherwise defined in this Chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Ohio Revised Code, unless a different meaning is clearly required. Except as provided in section 718.81 of the Ohio Revised Code, if a term used in this Chapter that is not otherwise defined in this Chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Ohio Revised Code, and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Ohio Revised Code.

For purposes of this Section, the singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

Except as otherwise provided in section 718.81 of the Ohio Revised Code, as used in this Chapter:

(1) **"ADJUSTED FEDERAL TAXABLE INCOME,"** for a Person required to file as a C corporation, or for a Person that has elected to be taxed as a C corporation under division 23(E) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(A) Deduct Intangible Income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the Intangible Income relates to assets used in a trade or business or assets held for the production of income;

(B) Add an amount equal to five per cent of Intangible Income deducted under division (1)(A) of this section, but excluding that portion of Intangible Income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(C) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(D) (i) Except as provided in division (1)(D)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(ii) Division (1)(D)(i) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(E) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(F) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(G) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under Section 4313.02 of the Ohio Revised Code;

(H) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.

(I) Deduct any net profit of a Pass-Through Entity owned directly or indirectly by the Taxpayer and included in the Taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of Section 192.063 of this Chapter;

(J) Add any loss incurred by a Pass-Through Entity owned directly or indirectly by the Taxpayer and included in the Taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of Section 192.063 of this Chapter.

If the Taxpayer is not a C corporation, is not a Disregarded Entity that has made the election described in division (48)(B) of this section, is not a publicly traded partnership that has made the election described in division (23)(E) of this section, and is not an individual, the Taxpayer shall compute adjusted federal taxable income under this section as if the Taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the Taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (1) of this section shall be construed as allowing the Taxpayer to add or deduct any amount more than once or shall be construed as allowing any Taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(2) (A) **"ASSESSMENT"** means any of the following:

(i) A written finding by the Tax Administrator that a Person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the Municipality;

(ii) A full or partial denial of a refund request issued under Section 192.096 (B)(2) of this Chapter;

(iii) A Tax Administrator's denial of a Taxpayer's request for use of an alternative apportionment method, issued under Section 192.062(B)(2) of this Chapter; or

(iv) A Tax Administrator's requirement for a Taxpayer to use an alternative apportionment method, issued under Section 192.062(B)(3) of this Chapter.

(B) For purposes of division (2)(A)(i), (ii), (iii) and (iv) of this Section, an Assessment shall commence the Person's time limitation for making an appeal to the Local Board of Tax Review pursuant to Section 192.18 of this Chapter, and shall have "ASSESSMENT" written in all capital letters at the top of such finding.

(C) **"ASSESSMENT"** does not include notice(s) denying a request for refund issued under Section 192.096 (B)(3) of this Chapter, a billing statement notifying a Taxpayer of current or past-due balances owed to the Municipality, a Tax Administrator's request for additional information, a notification to the Taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a Person or Taxpayer that does not meet the criteria prescribed by division (2)(A) of this section.

(3) **"AUDIT"** means the examination of a Person or the inspection of the books, records, memoranda, or accounts of a Person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax.

(4) **"BOARD OF REVIEW"** has the same meaning as "Local Board of Tax Review".

(5) **"CALENDAR QUARTER"** means the three-month period ending on the last day of March, June, September, or December.

(6) **"CASINO OPERATOR"** and **"CASINO FACILITY"** have the same meanings as in Section 3772.01 of the Ohio Revised Code.

(7) **"CERTIFIED MAIL," "EXPRESS MAIL," "UNITED STATES MAIL," "POSTAL SERVICE,"** and similar terms include any delivery service authorized pursuant to Section 5703.056 of the Ohio Revised Code.

(8) **"COMPENSATION"** means any form of remuneration paid to an employee for personal services.

(9) **"DISREGARDED ENTITY"** means a Single Member Limited Liability Company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(10) "DOMICILE" means the true, fixed and permanent home of the Taxpayer to which, whenever absent, the Taxpayer intends to return.

(11) "EXEMPT INCOME" means all of the following:

(A) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;

(B) (i) Except as provided in division (11)(B)(ii) of this section, Intangible Income;

(ii) A municipal corporation that taxed any type of Intangible Income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of Intangible Income after 1988 voted in favor thereof at an election held on November 8, 1988.

(C) Social security benefits, railroad retirement benefits, unemployment compensation, Pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (11)(C) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code;

(D) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities;

(E) Compensation paid under Section 3501.28 or 3501.36 of the Ohio Revised Code to a Person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the Taxable Year. Such compensation in excess of one thousand dollars for the Taxable Year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation;

(F) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;

(G) Alimony and child support received;

(H) Awards for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or awards for punitive damages;

(I) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Ohio Revised Code. Division (11)(I) of this section does not apply for purposes of Chapter 5745 of the Ohio Revised Code;

(J) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;

(K) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;

(L) Employee compensation that is not Qualifying Wages as defined in division (34) of this section;

(M) Compensation paid to a Person employed within the boundaries of a United States Air Force base under the jurisdiction of the United States Air Force that is used for the housing of members of the United States Air Force and is a center for air force operations, unless the Person is subject to taxation because of residence or domicile. If

the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile;

(N) An S Corporation shareholder's distributive share of net profits of the S Corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code;

(O) All of the Municipal Taxable Income earned by individuals under eighteen years of age;

(P) (i) Except as provided in divisions (11)(P)(ii), (iii), and (iv) of this section, Qualifying Wages described in division (B)(1) or (E) of Section 192.052 of this Chapter to the extent the Qualifying Wages are not subject to withholding for the Municipality under either of those divisions;

(ii) The exemption provided in division (11)(P)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the Qualifying Wages;

(iii) The exemption provided in division (11)(P)(i) of this section does not apply to Qualifying Wages that an employer elects to withhold under division (D)(2) of Section 192.052 of this Chapter;

(iv) The exemption provided in division (11)(P)(i) of this section does not apply to Qualifying Wages if both of the following conditions apply:

(a) For Qualifying Wages described in division (B)(1) of Section 192.052 of this Chapter, the employee's employer withholds and remits tax on the Qualifying Wages to the municipal corporation in which the employee's principal place of work is situated, or, for Qualifying Wages described in division (E) of Section 192.052 of this Chapter, the employee's employer withholds and remits tax on the Qualifying Wages to the municipal corporation in which the employer's fixed location is located; and

(b) The employee receives a refund of the tax described in division (11)(P)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.

(Q) (i) Except as provided in division (11)(Q)(ii) or (iii) of this section, compensation that is not Qualifying Wages paid to a Nonresident individual for personal services performed in the Municipality on not more than twenty days in a Taxable Year.

(ii) The exemption provided in division (11)(Q)(i) of this section does not apply under either of the following circumstances:

(a) The individual's base of operation is located in the Municipality;

(b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (11)(Q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 192.052 of this Chapter.

(iii) Compensation to which division (11)(Q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is Domiciled.

(iv) For purposes of division (11)(Q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(R) Compensation paid to a Person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another Person

performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Ohio Revised Code on or after March 27, 2013, unless the Person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence;

(S) Income the taxation of which is prohibited by the constitution or laws of the United States; and

(T) Mentally retarded and developmentally disabled employees earning less than the minimum hourly wage while employed at government-sponsored sheltered workshops shall be exempt from the levy of the tax provided herein.

(U) (i) Income derived from disaster work conducted in this state by an out-of-state disaster business during a disaster response period pursuant to a qualifying solicitation received by the business;

(ii) Income of a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Ohio Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;

(iii) Income of a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Ohio Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period on critical infrastructure owned or used by the employee's employer.

For the purposes of this Chapter, "Out-of-state disaster business," "qualifying solicitation," "qualifying employee," "disaster work," "critical infrastructure," and "disaster response period" have the same meanings as in section 5703.94 of the Ohio Revised Code.

Any item of income that is Exempt Income of a Pass-Through Entity under division (11) of this section is Exempt Income of each owner of the Pass-Through Entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(12) **"FORM 2106"** means Internal Revenue Service form 2106 filed by a Taxpayer pursuant to the Internal Revenue Code.

(13) **"GENERIC FORM"** means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or Other Payer, estimated municipal income taxes, or annual municipal income tax liability, including a request for refund.

(14) **"INCOME"** means the following:

(A) (i) For Residents, all income, salaries, Qualifying Wages, commissions, and other compensation from whatever source earned or received by the Resident, including the Resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the Resident and any net profit of the Resident, except as provided in division (23)(E) of this section;

(ii) For the purposes of division (14)(A)(i) of this section:

(a) Any Net Operating Loss of the Resident incurred in the Taxable Year and the Resident's distributive share of any Net Operating Loss generated in the same Taxable Year and attributable to the Resident's ownership interest in a Pass-Through Entity shall be allowed as a deduction, for that Taxable Year and the following five Taxable Years, against any other Net Profit of the Resident or the Resident's distributive share of any net profit attributable to the Resident's ownership interest in a Pass-Through Entity until fully utilized, subject to division (14)(A)(iv) of this section;

(b) The Resident's distributive share of the net profit of each Pass-Through Entity owned directly or indirectly by the Resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior Taxable Year and applied to reduce the entity's net profit for the current Taxable Year.

(iii) Division (14)(A)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S Corporation unless shareholders' distributive shares of net profits from S Corporations are subject to tax in the municipal corporation as provided in division 11(N) or division 14(E) of this Section;

(iv) Any amount of a Net Operating Loss used to reduce a Taxpayer's Net Profit for a Taxable Year shall reduce the amount of Net Operating Loss that may be carried forward to any subsequent year for use by that Taxpayer. In no event shall the cumulative deductions for all Taxable Years with respect to a Taxpayer's Net Operating Loss exceed the original amount of that Net Operating Loss available to that Taxpayer.

(B) In the case of Nonresidents, all income, salaries, Qualifying Wages, commissions, and other compensation from whatever source earned or received by the Nonresident for work done, services performed or rendered, or activities conducted in the Municipality, including any Net Profit of the Nonresident, but excluding the Nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the Nonresident;

(C) For Taxpayers that are not individuals, Net Profit of the Taxpayer;

(D) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the Taxpayer is a professional gambler for federal income tax purposes, the Taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings. Credit for tax withheld or paid to another municipal corporation on such winnings paid to the municipal corporation where winnings occur is limited to the credit as specified in Section 192.081 of this Chapter; and

(E) INTENTIONALLY LEFT BLANK.

(15) **"INTANGIBLE INCOME"** means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible Income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(16) **"INTERNAL REVENUE CODE"** means the "Internal Revenue Code of 1986," 100 Sta. 2085, 26 U.S.C.A. 1, as amended.

(17) **"LIMITED LIABILITY COMPANY"** means a limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.

(18) **"LOCAL BOARD OF TAX REVIEW"** and **"BOARD OF TAX REVIEW"** means the entity created under Section 192.18 of this Chapter.

(19) **"MUNICIPAL CORPORATION"** means, in general terms, a status conferred upon a local government unit by state law, giving the unit certain autonomous operating authority such as the power of taxation, power of eminent domain, police power and regulatory power, and includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Ohio Revised Code.

(20) (A) **"MUNICIPAL TAXABLE INCOME"** means the following:

(i) For a Person other than an individual, Income apportioned or situated to the Municipality under Section 192.062 of this Chapter, as applicable, reduced by any Pre-2017 Net Operating Loss Carryforward available to the Person for the Municipality;

(ii) (a) For an individual who is a resident of a municipal corporation other than a Qualified Municipal Corporation, Income reduced by Exempt Income to the extent otherwise included in Income, then reduced as provided in division (20)(B) of this section, and further reduced by any Pre-2017 Net Operating Loss Carryforward available to the individual for the Municipality;

(b) For an individual who is a resident of a Qualified Municipal Corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the Qualified Municipal Corporation from the Qualified Municipal Corporation's tax on or before December 31, 2013. If a Qualified Municipal Corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the Qualified Municipal Corporation and net profit of Persons that are not wholly located within the Qualified Municipal Corporation, such individual or Person shall have no Municipal Taxable Income for the purposes of the tax levied by the Qualified Municipal Corporation and may be exempted by the Qualified Municipal Corporation from the requirements of section 718.03 of the Ohio Revised Code.

(iii) For an individual who is a Nonresident of the Municipality, Income reduced by Exempt Income to the extent otherwise included in Income and then, as applicable, apportioned or situated to the Municipality under Section 192.062 of this Chapter, then reduced as provided in division (20)(B) of this section, and further reduced by any Pre-2017 Net Operating Loss Carryforward available to the individual for the Municipality.

(B) In computing the Municipal Taxable Income of a Taxpayer who is an individual, the Taxpayer may subtract, as provided in division (20)(A)(ii)(a) or (iii) of this section, the amount of the individual's employee business expenses reported on the individual's Form 2106 that the individual deducted for federal income tax purposes for the Taxable Year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the Taxpayer is a resident, the Taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the Taxpayer is not a resident, the Taxpayer may deduct such expenses only to the extent the expenses are related to the Taxpayer's performance of personal services in that nonresident municipal corporation.

(21) **"MUNICIPALITY"** and **"KETTERING"** means the City of Kettering, Ohio.

(22) **"NET OPERATING LOSS"** means a loss incurred by a Person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(23) (A) **"NET PROFIT"** for a Person other than an individual means adjusted federal taxable income reduced by any Net Operating Loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (23)(C) of this section.

(B) **"NET PROFIT"** for a Person who is an individual means the individual's net profit required to be reported on Schedule C, Schedule E, or Schedule F reduced by any Net Operating Loss carried forward. For the purposes of this division, the Net Operating Loss carried forward shall be calculated and deducted in the same manner as provided in division (23)(C) of this section.

(C) (i) The amount of such Net Operating Loss shall be deducted from Net Profit to the extent necessary to reduce Municipal Taxable Income to zero, with any remaining unused portion of the Net Operating Loss carried forward to not more than five consecutive Taxable Years following the Taxable Year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized;

(ii) No Person shall use the deduction allowed by division (23)(C) of this section to offset Qualifying Wages;

(iii) (a) For Taxable Years beginning in 2018, 2019, 2020, 2021, or 2022, a Person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (23)(C)(i) of this section;

(b) For Taxable Years beginning in 2023 or thereafter, a Person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (23)(C) of this section without regard to the limitation of division (23)(C)(iii)(a) of this section;

(iv) Any Pre-2017 Net Operating Loss Carryforward deduction that is available may be utilized before a Taxpayer may deduct any amount pursuant to division (23)(C) of this section;

(v) Nothing in division (23)(C)(iii)(a) of this section precludes a Person from carrying forward, for use with respect to any return filed for a Taxable Year beginning after 2018, any amount of Net Operating Loss that was not fully utilized by operation of division (23)(C)(iii)(a) of this section. To the extent that an amount of Net Operating Loss that was not fully utilized in one or more Taxable Years by operation of division (23)(C)(iii)(a) of this section is carried forward for use with respect to a return filed for a Taxable Year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (23)(C)(iii)(a) of this section shall apply to the amount carried forward;

(D) For the purposes of this Chapter, and notwithstanding division (23)(A) of this section, net profit of a Disregarded Entity shall not be taxable as against that Disregarded Entity, but shall instead be included in the net profit of the owner of the Disregarded Entity.

(E) (i) For purposes of this Chapter, "publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(ii) For the purposes of this Chapter, and notwithstanding any other provision of this Chapter, the net profit of a publicly traded partnership that makes the election described in division (23)(E) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.

(iii) A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such municipal corporation. Once the election is made, the election is binding for a five-year period beginning with the first Taxable Year of the initial election. The election continues to be binding for each subsequent five-year period unless the Taxpayer elects to discontinue filing municipal income tax returns as a C corporation for municipal purposes under division (E)(iv) of this section.

(iv) An election to discontinue filing as a C corporation must be made in the first year following the last year of a five-year election period in effect under division (E)(iii) of this section. The election to discontinue filing as a C corporation is binding for a five-year period beginning with the first Taxable Year of the election and continues to be binding for each subsequent five-year period unless the Taxpayer elects to discontinue filing municipal income tax returns as a partnership for municipal purposes. An election to discontinue filing as a partnership must be made in the first year following the last year of a five-year election period.

(v) The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (E) of this section applies to all municipal corporations in which an individual owner of the partnership resides.

(vi) The individual owners of the partnership not filing as a C Corporation shall be required to file with their municipal corporation of residence and report their distributive share of partnership net profit.

(24) **"NONRESIDENT"** means an individual that is not a resident of the Municipality.

(25) **"OHIO BUSINESS GATEWAY"** means the online computer network system, created under section 125.30 of the Ohio Revised Code, that allows Persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(26) **"OTHER PAYER"** means any Person, other than an individual's employer or the employer's agent, who pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and Video Lottery Terminal Sales Agents.

(27) **"PASS-THROUGH ENTITY"** means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S Corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or Disregarded Entity.

(28) **"PENSION"** means any amount paid to an employee or former employee that is reported to the recipient on an IRS Form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS Form W-2, Wage and Tax Statement, or successor form.

(29) **"PERSON"** includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S Corporations, governmental entities, and any other entity.

(30) **"POSTAL SERVICE"** means the United States Postal Service, or private delivery service delivering documents and packages within an agreed upon delivery schedule, or any other carrier service delivering the item.

(31) **"POSTMARK DATE," "DATE OF POSTMARK,"** and similar terms include the date recorded and marked by a delivery service and recorded electronically to a database kept in the regular course of its business and marked on the cover in which the payment or document is enclosed, the date on which the payment or document was given to the delivery service for delivery.

(32) (A) **"PRE-2017 NET OPERATING LOSS CARRYFORWARD"** means any Net Operating Loss incurred in a Taxable Year beginning before January 1, 2017, to the extent such loss was permitted by a resolution or ordinance of the Municipality that was adopted by the Municipality before January 1, 2016, to be carried forward and utilized to offset Income or Net Profit generated in the Municipality in future Taxable Years.

(B) For the purpose of calculating Municipal Taxable Income, any Pre-2017 Net Operating Loss Carryforward may be carried forward to any Taxable Year, including Taxable Years beginning in 2017 or thereafter, for the number of Taxable Years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(33) **"QUALIFIED MUNICIPAL CORPORATION"** means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Ohio Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.

(34) **"QUALIFYING WAGES"** means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(A) Deduct the following amounts:

(i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code;

(ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or Other Payer;

(iii) INTENTIONALLY LEFT BLANK;

(iv) INTENTIONALLY LEFT BLANK; and

(v) Any amount included in wages that is Exempt Income.

(B) Add the following amounts:

(i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986;

(ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division (34)(B)(ii) of this section applies only to those amounts constituting ordinary income;

(iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (34)(B)(iii) of this section applies only to employee contributions and employee deferrals;

(iv) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages;

(v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code; and

(vi) Any amount not included in wages if all of the following apply:

(a) For the Taxable Year the amount is employee compensation that is earned outside of the United States and that either is included in the Taxpayer's gross income for federal income tax purposes or would have been included in the Taxpayer's gross income for such purposes if the Taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;

(b) For no preceding Taxable Year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;

(c) For no succeeding Taxable Year will the amount constitute wages; and

(d) For any Taxable Year the amount has not otherwise been added to wages pursuant to either division (34)(B) of this section or section 718.03 of the Ohio Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

(35) **"RELATED ENTITY"** means any of the following:

(A) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the Taxpayer's outstanding stock;

(B) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the Taxpayer's outstanding stock;

(C) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (35)(D) of this section, provided the Taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock; or

(D) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (35)(A) to (C) of this section have been met.

(36) **"RELATED MEMBER"** means a Person that, with respect to the Taxpayer during all or any portion of the Taxable Year, is either a Related Entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a Person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a Person is a related member under this division, "twenty per

cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.

(37) **"RESIDENT"** means an individual who is domiciled in the Municipality as determined under Section 192.042 of this Chapter.

(38) **"S CORPORATION"** means a Person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its Taxable Year.

(39) **"SCHEDULE C"** means Internal Revenue Service Schedule C (Form 1040) filed by a Taxpayer pursuant to the Internal Revenue Code.

(40) **"SCHEDULE E"** means Internal Revenue Service Schedule E (Form 1040) filed by a Taxpayer pursuant to the Internal Revenue Code.

(41) **"SCHEDULE F"** means Internal Revenue Service Schedule F (Form 1040) filed by a Taxpayer pursuant to the Internal Revenue Code.

(42) **"SINGLE MEMBER LIMITED LIABILITY COMPANY"** means a limited liability company that has one direct member.

(43) **"SMALL EMPLOYER"** means any employer that had total revenue of less than five hundred thousand dollars during the preceding Taxable Year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(44) **"TAX ADMINISTRATOR"** means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this Chapter, and also includes the following:

- (A) A municipal corporation acting as the agent of another municipal corporation;
- (B) A Person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the Person in whole or in part on a contingency basis; and
- (C) The Central Collection Agency (CCA) or the Regional Income Tax Agency (RITA) or their successors in interest, or another entity organized to perform functions similar to those performed by the Central Collection Agency and the Regional Income Tax Agency.

Tax Administrator does not include the Tax Commissioner.

(45) **"TAX COMMISSIONER"** means the tax commissioner appointed under section 121.03 of the Ohio Revised Code.

(46) **"TAX RETURN PREPARER"** means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(47) **"TAXABLE YEAR"** means the corresponding tax reporting period as prescribed for the Taxpayer under the Internal Revenue Code.

(48) (A) **"TAXPAYER"** means a Person subject to a tax levied on income by a municipal corporation in accordance with this Chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (48)(B)(i) of this section, a Disregarded Entity.

- (B) (i) A Single Member Limited Liability Company that is a Disregarded Entity for federal tax purposes may be a separate Taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate Taxpayer or did not file for its Taxable Year ending in 2003, if all of the following conditions are met:

(a) The limited liability company's single member is also a limited liability company;

(b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004;

(c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate Taxpayer under division (L) of section 718.01 of the Ohio Revised Code as this section existed on December 31, 2004;

(d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member; and

(e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(ii) For purposes of division (48)(B)(i)(e) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's Taxable Year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its Taxable Year ending in 2003 was at least four hundred thousand dollars.

(49) **"TAXPAYERS' RIGHTS AND RESPONSIBILITIES"** means the rights provided to Taxpayers in sections 718.11 , 718.12 , 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011 , and 5717.03 of the Ohio Revised Code and any corresponding ordinances of the Municipality, and the responsibilities of Taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718 of the Ohio Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(50) **"VIDEO LOTTERY TERMINAL"** has the same meaning as in section 3770.21 of the Ohio Revised Code.

(51) **"VIDEO LOTTERY TERMINAL SALES AGENT"** means a lottery sales agent licensed under Chapter 3770 of the Ohio Revised Code to conduct Video Lottery Terminals on behalf of the state pursuant to section 3770.21 of the Ohio Revised Code.

192.091 RETURN AND PAYMENT OF TAX

(A) (1) An annual return with respect to the income tax levied on Municipal Taxable Income by the Municipality shall be completed and filed by every Taxpayer for any Taxable Year for which the Taxpayer is subject to the tax, regardless of whether or not income tax is due.

(2) The Tax Administrator shall accept on behalf of all Nonresident individual Taxpayers a return filed by an employer, agent of an employer, or Other Payer located in the Municipality under subsection 192.051(C) of this Chapter when the Nonresident individual Taxpayer's sole Income subject to the tax is the Qualifying Wages reported by the employer, agent of an employer, or Other Payer, and no additional tax is due to the Municipality. Further, no return is required for a qualifying employee whose Income consists exclusively of Exempt Income described in division (11)(U)(ii) or (iii) of section 192.03 of this Chapter.

(3) All Resident individual Taxpayers, eighteen (18) years of age and older, shall file an annual municipal income tax return with the Municipality, regardless of income or liability.

(4) Individuals who are Residents of the Municipality and who are permanently Retired or permanently Disabled and who do not have any municipal taxable income may complete a one-time exemption form as prescribed by the Tax Administrator declaring their exemption from filing an annual Municipal income tax return. Such an exemption will remain in force until such time as that individual becomes employed or has municipal taxable income. At that point, this exemption will terminate and an annual

Municipal income tax return shall be filed thereafter and taxes paid.

(5) For purposes of 192.091(A)(4), "DISABLED" means the inability to engage in any substantial gainful employment, career, business, or profession by reason of any medically determinable physical or mental impairment, which is expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; "RETIRED" means the voluntary termination of an individual's own employment, career, business, or profession intended to last indefinitely.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that decedent's executor, administrator, or other Person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by the Municipality in accordance with this Chapter, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other Person charged with the care of the Person or property of that individual. Such duly authorized agent, guardian, conservator, fiduciary, or other Person charged with the care of the Person or property of that individual shall provide, with the filing of the return, appropriate documentation to support that they are authorized to file a return or notice on behalf of the Taxpayer. This notice shall include any legally binding authorizations, and contact information including name, address, and phone number of the duly authorized agent, guardian, conservator, fiduciary, or other Person.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust. Such fiduciary shall provide, with the filing of the return, appropriate documentation to support that they are authorized to file a return or notice on behalf of the Taxpayer. This notice shall include any legally binding authorizations, and contact information including name, address, and phone number of the fiduciary.

(E) No municipal corporation shall deny spouses the ability to file a joint return.

(F) (1) Each return required to be filed under this section shall contain the signature of the Taxpayer or the Taxpayer's duly authorized agent and of the Person who prepared the return for the Taxpayer, and shall include the Taxpayer's social security number or Taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) A Taxpayer who is an individual is required to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the Taxpayer's Internal Revenue Service Form W-2, "Wage and Tax Statements," including all information reported on the Taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the Taxpayer's Internal Revenue Service Form 1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual Taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the Tax Administrator unless the Tax Administrator requests such copies after the return has been filed.

(3) A Taxpayer that is not an individual is required to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the Taxpayer's Internal Revenue Service Form 1041, Form 1065, Form 1120, Form 1120-REIT, Form 1120F, or Form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

(4) A Taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio Business Gateway or in some other manner shall either mail the documents required under this division to the Tax Administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio Business Gateway or a portal provided by Municipality. The Ohio Department of Taxation shall publish a method of electronically submitting the documents required under this division through the Ohio Business Gateway on or before January 1, 2016. The Ohio Department of Taxation shall transmit all documents submitted electronically under this division to the appropriate Tax Administrator.

(5) After a Taxpayer files a tax return, the Tax Administrator shall request, and the Taxpayer shall provide, any information, statements, or documents required by the Municipality to determine and verify the Taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the Taxpayer files on a generic form or on a form prescribed by the Tax Administrator.

- (6) Any other documentation, including schedules, other municipal income tax returns, or other supporting documentation necessary to verify credits, income, losses, or other pertinent factors on the return shall also be included to avoid delay in processing, or disallowance by the Tax Administrator of undocumented credits or losses.
- (G) (1) (a) Except as otherwise provided in this Chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of section 5747.08 of the Ohio Revised Code. The Taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Municipality or Tax Administrator.
- (b) Except as otherwise provided in this Chapter, each annual net profit income tax return required to be filed under this section by a Taxpayer that is not an individual shall be completed and filed as required by the Tax Administrator on or before the fifteenth day of the fourth month following the end of the Taxpayer's Taxable Year or period. The Taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the Municipality.
- (c) In the case of an individual income tax return required to be filed by an individual, and a net profit income tax return required to be filed by a Taxpayer who is not an individual, no remittance is required if the amount shown to be due is ten dollars or less.
- (2) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the Municipality in accordance with this Chapter, the Tax Administrator may require Taxpayers to file returns and make payments otherwise than as provided in this section, including Taxpayers not otherwise required to file annual returns.
- (3) With respect to Taxpayers to whom Section 192.092 of this Chapter applies, to the extent that any provision in this division conflicts with any provision in Section 192.092 of this Chapter, the provision in Section 192.092 of this Chapter prevails.
- (H) (1) For Taxable Years beginning on or after January 1, 2016, the Municipality shall not require a Taxpayer to remit tax with respect to net profits if the amount due is ten dollars or less.
- (2) Any Taxpayer not required to remit tax to the Municipality for a Taxable Year pursuant to division (H)(1) of this section shall file with the Municipality an annual net profit return under division (G)(1)(a) and (G)(1)(b) of this section: unless the Taxpayer's Income consists exclusively of Exempt Income described in division (11)(U)(i) of section 192.03 of this Chapter.
- (I) (1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this Chapter is delivered after that period or that date to the Tax Administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the Postal Service.
- (2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment. For purposes of this section, "date of the timestamp" means the date that the Taxpayer has designated for the delivery of payment, which may or may not be the same date as the date the payment was initiated by the Taxpayer.
- (J) The amounts withheld for the Municipality by an employer, the agent of an employer, or Other Payer as described in section 192.051 of this Chapter shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient unless the amounts withheld were not remitted to the Municipality and the recipient colluded with the employer, agent, or Other Payer in connection with the failure to remit the amounts withheld.
- (K) Each return required by the Municipality to be filed in accordance with this section shall include a box that the Taxpayer may check to authorize another Person, including a Tax Return

Preparer who prepared the return, to communicate with the Tax Administrator about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the Taxpayer authorizes the Tax Administrator to contact the preparer or other Person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other Person only to provide the Tax Administrator with information that is missing from the return, to contact the Tax Administrator for information about the examination or other review of the return or the status of the Taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the Taxpayer has received from the Tax Administrator and has shown to the preparer or other Person. Authorization by the Taxpayer of another Person to communicate with the Tax Administrator about matters pertaining to the return does not preclude the Tax Administrator from contacting the Taxpayer regarding such matters.

(L) The Tax Administrator of the Municipality shall accept for filing a generic Form of any income tax return, report, or document required by the Municipality in accordance with this Chapter, provided that the generic form, once completed and filed, contains all of the information required by ordinances, resolutions, or rules adopted by the Municipality or Tax Administrator, and provided that the Taxpayer or Tax Return Preparer filing the generic form otherwise complies with the provisions of this Chapter and of the Municipality's Ordinance or resolution governing the filing of returns, reports, or documents.

(M) When income tax returns, reports, or other documents require the signature of a Tax Return Preparer, the Tax Administrator shall accept a facsimile of such a signature in lieu of a manual signature.

(N) (1) As used in this division, "worksite location" has the same meaning as in section 192.052 of this Chapter.

(2) A Person may notify the Tax Administrator that the Person does not expect to be a Taxpayer with respect to the Municipality for a Taxable Year if both of the following conditions apply:

(a) The Person was required to file a tax return with the Municipality for the immediately preceding Taxable Year because the Person performed services at a worksite location within the Municipality, and the Person has filed all appropriate and required returns and remitted all applicable income tax and withholding payments as provided by this Chapter; and

(b) The Person no longer provides services in the Municipality, and does not expect to be subject to the Municipality's income tax for the Taxable Year.

The Person shall provide the notice in a signed affidavit that briefly explains the Person's circumstances, including the location of the previous worksite location and the last date on which the Person performed services or made any sales within the Municipality. The affidavit also shall include the following statement: "The affiant has no plans to perform any services within the City of Kettering, Ohio, make any sales in the City of Kettering, Ohio, or otherwise become subject to the tax levied by the City of Kettering, Ohio during the Taxable Year. If the affiant does become subject to the tax levied by the City of Kettering, Ohio for the Taxable Year, the affiant agrees to be considered a Taxpayer and to properly register as a Taxpayer with the City of Kettering, Ohio, if such a registration is required by the City of Kettering, Ohio's resolutions, ordinances, or rules." The Person shall sign the affidavit under penalty of perjury.

(3) If a Person submits an affidavit described in division (N)(2) of this section, the Tax Administrator shall not require the Person to file any tax return for the Taxable Year unless the Tax Administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change, or the Taxpayer has engaged in activity which results in work being performed, services provided, sales made, or other activity that results in municipal taxable income reportable to the Municipality in the Taxable Year. It shall be the responsibility of the Taxpayer to comply with the provisions of this Chapter relating to the reporting and filing of municipal taxable income on an annual municipal income tax return, even if an affidavit has been filed with the Tax Administrator for the Taxable Year. Nothing in division (N) of this section prohibits the Tax Administrator from performing an Audit of the Person.

192.10 PENALTY, INTEREST, FEES, AND CHARGES

(A) As used in this section:

(1) "Applicable law" means this Chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the Municipality provided such resolutions,

ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax;

(2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year;

(3) "Income tax," "estimated income tax," and "withholding tax" mean any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016;

(4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section;

(5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a Tax Administrator or municipal corporation by a Taxpayer, employer, any agent of the employer, or any Other Payer pursuant to applicable law, including at any time before January 1, 2016;

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law;

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law;

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law;

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any Other Payer did not withhold in whole or in part from an employee's Qualifying Wages, but that, under applicable law, the employer, agent, or Other Payer is required to withhold from an employee's Qualifying Wages.

(B) (1) This section shall apply to the following:

(a) Any return required to be filed under applicable law for Taxable Years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the Municipality on or after January 1, 2016 for Taxable Years beginning on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules, as adopted from time to time before January 1, 2016.

(C) The Municipality shall impose on a Taxpayer, employer, any agent of the employer, and any Other Payer, and will attempt to collect, the interest amounts and penalties prescribed in this section when the Taxpayer, employer, any agent of the employer, or any Other Payer for any reason fails, in whole or in part, to make to the Municipality timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the Municipality any return required to be filed.

(1) Interest shall be imposed at the rate defined as "interest rate as described in division (A) of this section", per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax. This imposition of interest shall be assessed per month, or fraction of a month.

(2) With respect to unpaid income tax and unpaid estimated income tax, a penalty equal to fifteen percent of the amount not timely paid shall be imposed.

(3) With respect to any unpaid withholding tax, a penalty equal to fifty percent of the amount not timely paid shall be imposed.

(4) With respect to returns other than estimated income tax returns, the Municipality shall impose a monthly penalty of twenty-five dollars for each failure to timely file each

~~return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed a total of one hundred fifty dollars in assessed penalty for each failure to timely file a return.~~

(D) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the Municipality shall not impose, seek to collect, or collect any penalty, amount of interest, charges or additional fees not described in this section.

(E) With respect to income taxes, estimated income taxes, withholding taxes, and returns, the Municipality shall not refund or credit any penalty, amount of interest, charges, or additional fees that were properly imposed or collected before January 1, 2016.

(F) The Tax Administrator may, in the Tax Administrator's sole discretion, abate or partially abate penalties or interest imposed under this section when the Tax Administrator deems such abatement or partial abatement to be appropriate. Such abatement or partial abatement shall be properly documented and maintained on the record of the Taxpayer who received benefit of such abatement or partial abatement.

(G) The Municipality shall impose on the Taxpayer, employer, any agent of the employer, or any Other Payer the Municipality's post-judgment collection costs and fees, including attorney's fees.

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE 1940 EAST DOROTHY LANE (PLANNING
COMMISSION CASE NO. PC 18-018)**

WHEREAS, on October 15, 2018, after publication and issuance of notice as required by the City of Kettering Zoning Code, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone a parcel of land located at 1940 East Dorothy Lane, and more particularly described as Lot 2 of the Zaremba-Kettering Park Record Plan, Plat Book 186; Page 21 (the "Property"), to B Business District; and

WHEREAS, the Planning Commission recommended approval of the proposed zoning change; and

WHEREAS, on November 13, 2018, after publication and issuance of notice as required by the Zoning Code, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, Ohio, that:

Section 1. Having considered the report and recommendation of the Planning Commission and the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, the staff report and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Zoning Code, and the public health, safety, and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, the Property is rezoned to B Business District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zoning district change; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 4. This ordinance shall take full force and effect from and after the earliest period provided by law.

Passed by Council this _____ day of _____ 2018.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Planning and Development Department)