



# CITY OF KETTERING

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

## KETTERING COUNCIL AGENDA

**December 3, 2019**

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

6:00 P.M.	<b>BUDGET WORKSHOP</b>	Deeds Room
7:30 P.M.	<b>REGULAR MEETING</b>	Council Chambers

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **APPROVAL OF MINUTES**

November 26, 2019 - Council Meeting & Workshop Minutes

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

### **PUBLIC HEARINGS**

### **PUBLIC COMMENT ON LEGISLATION**

(5 Minute Limit per Speaker)

### **ORDINANCES IN SECOND READING**

### **RESOLUTIONS**

1. Authorizing the Finance Director to request the Montgomery County Auditor to draw, and the Montgomery County Treasurer to pay on such draft to the City of Kettering, such money as may be in the County Treasury from time to time until December 31, 2029, to the account of the City of Kettering and lawfully applicable to the purpose of the current fiscal year in which such request is made.
2. Directing the Finance Director to commit an additional \$500,000.00 of the general fund balance to be expended for economic development purposes effective January 1, 2020.
3. Authorizing submission of a grant application to the Miami Valley Regional Crime Lab for touch DNA testing.
4. Authorizing the City Manager to contract with Rumpke of Ohio, Inc. for residential waste removal services.
5. Authorizing the City Manager to lease space in Building 46 to Miami Valley Communications Council.

### **ORDINANCES IN FIRST READING**

6. To amend Chapter 711 of the Codified Ordinances of the City of Kettering regarding massage establishments and services.
7. 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. 4318-18.

### **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 wishes to make certain that all citizens have the opportunity to actively participate in their local government. If you have a disability and require accommodations to participate in a Council meeting, please contact the Clerk of Council at 296-2416 so that reasonable modifications can be made.*

**KETTERING CITY CALENDAR**  
**2019**

December 3	6:00 p.m. 7:30 p.m.	Budget Workshop City Council Meeting
December 5	4:00 p.m.	Parks, Recreation, and Cultural Arts Advisory Board
December 9	7:00 p.m.	Board of Zoning Appeals
December 10	4:00 p.m.	Partners for Healthy Youth
December 16	7:00 p.m.	Planning Commission
December 17	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE FINANCE DIRECTOR TO REQUEST THE MONTGOMERY COUNTY AUDITOR TO DRAW, AND THE MONTGOMERY COUNTY TREASURER TO PAY ON SUCH DRAFT TO THE CITY OF KETTERING, SUCH MONEY AS MAY BE IN THE COUNTY TREASURY FROM TIME TO TIME UNTIL DECEMBER 31, 2029, TO THE ACCOUNT OF THE CITY OF KETTERING AND LAWFULLY APPLICABLE TO THE PURPOSE OF THE CURRENT FISCAL YEAR IN WHICH SUCH REQUEST IS MADE**

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

Section 1. The Finance Director is hereby authorized to request the Montgomery County Auditor to draw, and the Montgomery County Treasurer to pay on such draft to the City of Kettering, such money as may be in the County Treasury from time to time until December 31, 2029, to the account of the City of Kettering, Ohio, and lawfully applicable to the purpose of the current fiscal year in which such request is made. Such payments are to be made from time to time as the Finance Director of the City of Kettering may request.

Section 2. The Clerk of Council is directed to transmit a certified copy of this Resolution to the Montgomery County Auditor.

Section 3. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
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

A RESOLUTION

By:

No.

**DIRECTING THE FINANCE DIRECTOR TO  
COMMIT AN ADDITIONAL \$500,000.00 OF THE  
GENERAL FUND BALANCE TO BE EXPENDED  
FOR ECONOMIC DEVELOPMENT PURPOSES  
EFFECTIVE JANUARY 1, 2020**

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

Section 1. This Council hereby directs the City Finance Director to commit an additional \$500,000.00 of the General Fund balance to be expended for economic development purposes effective January 1, 2020.

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 \_\_\_\_\_ 2019.

\_\_\_\_\_  
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

A RESOLUTION

By:

No.

**AUTHORIZING SUBMISSION OF A GRANT  
APPLICATION TO THE MIAMI VALLEY REGIONAL  
CRIME LAB FOR TOUCH DNA TESTING**

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

Section 1. The City Manager or the City Manager's designee is hereby authorized, on behalf of the City of Kettering, to submit a grant application to the Miami Valley Regional Crime Lab for touch DNA evidence from non-violent crimes.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
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.

**AUTHORIZING THE CITY MANAGER TO CONTRACT WITH  
RUMPKE OF OHIO, INC. FOR RESIDENTIAL WASTE  
REMOVAL SERVICES**

WHEREAS, this Council, by Resolution No. 10344-19, dated August 27, 2019, authorized the City Manager to use competitive bargaining to contract for residential waste removal services; and

WHEREAS, City staff has reviewed the proposals and determined it to be in the best interest of the City to award the waste removal contract to Rumpke of Ohio, Inc.;

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 enter into an agreement with Rumpke of Ohio, Inc. for residential waste removal services on terms and conditions that, in the City Manager's opinion, are beneficial to the interests of the City. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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 \_\_\_\_\_ 2019.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Law Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO LEASE SPACE IN  
BUILDING 46 TO MIAMI VALLEY COMMUNICATIONS  
COUNCIL**

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

Section 1. The City Manager is authorized to enter into an agreement to lease space in Building 46 to Miami Valley Communications Council. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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 \_\_\_\_\_ 2019.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Law Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO AMEND CHAPTER 711 OF THE CODIFIED ORDINANCES OF THE  
CITY OF KETTERING REGARDING MASSAGE ESTABLISHMENTS  
AND SERVICES**

WHEREAS, according to a 2019 *New York Times* article, the use of massage establishments as fronts for human trafficking has grown to a \$3 billion a year industry in the U.S. with at least 9,000 locations across the country; and

WHEREAS, according to a 2018 *Columbus Dispatch* article, Ohio had the fourth-highest number of human trafficking cases reported to a national hotline with 191 cases in 2017. 147 of those were sex trafficking cases, and illicit massage establishments were reported as the top venue for such crimes; and

WHEREAS, police raids and arrests have been made at massage establishments in Miami Township, Fairfield Township, Hilliard, Westerville, Columbus, and other jurisdictions in Ohio; and

WHEREAS, in response to the increasing operation of illicit massage establishments in Ohio and across the country, a substantial number of municipalities have instituted new or revised business regulations for massage establishments including Mason, Springboro, West Carrollton, Fairborn, Powell, Westerville, Brunswick, and North Olmsted; and

WHEREAS, this City Council finds that new business regulations are needed to prevent human trafficking at massage establishments in the City of Kettering; and

WHEREAS, legitimate massage establishments will also benefit from new regulations because illicit massage establishments involved in human trafficking will be discouraged or eliminated;

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

Section 1. Chapter 711 of the Codified Ordinances is amended and renumbered to read as set forth in the attached Exhibit A.

Section 2. If any portion of Chapter 711 is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,

(Requested by: Planning and Development Department)



**EXHIBIT A**

(12 total pages, including this page)

#### 711.01 Definitions.

For purposes of this Chapter, the words listed below, whether capitalized throughout this Chapter or not, shall have the following meanings unless the context clearly indicates an alternative meaning:

- a. Applicant: A Person who has applied for a Massage Services or Massage Establishment License within the City of Kettering, Ohio.
- b. Corporate Massage: Any Massage of the neck, arms, shoulders, and back area above the waist, where the client is fully clothed, and that is done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice of Massage.
- c. Customer or Client: Any individual, firm, association, partnership, corporation, joint venture, or combination of individuals who obtains or seeks to obtain Massage services.
- d. Director: the Director of the City of Kettering Planning and Development Department or the Director's designee.
- e. License: A Massage Establishment License or a Massage Services License as defined by this Chapter.
- f. Massage: Any method of pressure, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands, hot towels, or with any mechanical or electrical apparatus or other appliances or devices, with or without supplementary aids such as rubbing alcohol, liniments, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations, or by baths, including but not limited to vapor, electric tubs, mineral fomentation, or any other type of bath.
- g. Massage Establishment: Any establishment having a fixed place of business where any Person engages in, conducts, carries on, or permits for consideration, Massages; including but not limited to, any hot tub/sauna, relaxation, spas, or tanning establishments in which Massage services are made available to members of the public.
- h. Massage Establishment License: A License to operate a Massage Establishment in the City of Kettering as required by this Chapter.
- i. Massage Therapist: Any Person who has a license in good standing as a Massage Therapist from the State Medical Board of Ohio.
- j. Massage Practitioner: Any Person who performs Massage on a Customer or Client in exchange for payment.
- k. Massage Services License: A license to perform Massage services in the City of Kettering as required by this Chapter.
- l. Outcall Massage Service: Any business, the function of which is to engage in or carry on Massages at a location designated by the Customer or Client rather than at a Massage Establishment.
- m. Person: Any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

**711.02 Licensed Massage Therapists to Perform Massage.**

- a. Within 90 days of the effective date of this Chapter, all Persons who own or operate Massage Establishments in the City of Kettering shall obtain a Massage Establishment License from the Director.
- b. Within 90 days of the effective date of this Chapter, all Massage Practitioners who operate in the City of Kettering shall obtain a Massage Services License from the Director.
- c. It shall be unlawful for any Person to offer or perform Massage services for consideration in the City of Kettering unless that Person is a Massage Therapist with a Massage Services License.
- d. It shall be unlawful for any Person to operate a Massage Establishment in the City of Kettering unless all of the following apply:
  1. The owner or manager of the Massage Establishment is a Massage Therapist; and
  2. The owner of the Massage Establishment has a Massage Establishment License in good standing; and
  3. The Massage services provided in the Massage Establishment are performed exclusively by a Massage Therapist with a Massage Services License in good standing.
- e. It shall be unlawful to employ a Person to perform Massage in a Massage Establishment in the City of Kettering unless that Person is a Massage Therapist with a Massage Services License.

**711.03 Exemptions.**

- a. The Persons listed below are not required to comply with Section 711.02 as long as these Persons administer Massage as part of the performance of their respective professions:
  1. Physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, and other professions that are duly licensed by the State Medical Board of Ohio or the State Chiropractic Board of Ohio;
  2. Nurses, whether registered or licensed vocational nurses, who are duly licensed by the State of Ohio Board of Nursing to practice nursing;
  3. Occupational therapists, physical therapists, and athletic trainers licensed by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board to practice these professions;
  4. Barbers licensed by the Barber Board of Ohio or cosmetologists licensed by the State Board of Cosmetology of Ohio, performing Massage within the scope of their license;
  5. Schools, colleges, or institutions approved by and determined to be in good standing with the State Medical Board of Ohio that have the Massage therapy curriculum required for students to become Massage Therapists upon course completion and the students enrolled at such schools, colleges, or institutions.
- b. Massages that are clearly incidental to the operation of a personal fitness training center, gymnasium, or health club may be permitted without a Massage Establishment License through the use and approval for those operations as required in Chapter 1153 of the Kettering Zoning Code. Individuals providing

Massage at personal fitness training centers, gymnasiums, or health clubs must obtain a Massage Services License before performing Massage at these locations.

- c. The requirements to obtain a Massage Establishment License do not apply to Massage Therapists administering Massage or health treatments involving a Massage to Persons participating in singular occurring recreational events, provided all of the following conditions are met:
  1. Massage services are made available equally to all participants in the event;
  2. The event is open to participation by the general public or a significant segment of the public, such as employees of the sponsoring or participating corporations;
  3. The Massage services are provided at the site of the event, either during, immediately preceding or immediately following the event;
  4. The sponsors of the event have been advised of and approve of the Massage services; and
  5. The Persons providing the Massage services are not the primary sponsors of the event.

#### **711.04 Massage Establishment and Massage Services License – Required.**

- a. A Massage Establishment License or a Massage Services License may be issued to any Person who has complied with the requirements of this Chapter and all other applicable provisions of the Kettering Codified Ordinances.
- b. Applicant must obtain a separate Massage Establishment License for each Massage Establishment location within the City of Kettering.
- c. The possession of a Massage Establishment License does not authorize the Licensee to perform work for which a Massage Services License is required.
- d. It is unlawful to operate, establish, or maintain a Massage Establishment while the Massage Establishment License issued for such business has been suspended, revoked, or has expired.
- e. It is unlawful to practice Massage in the City of Kettering while an individual's Massage Services or Massage Establishment License has been suspended, revoked, or has expired.
- f. No additional applications for Massage Establishment Licenses or for Massage Services Licenses will be accepted from individuals who are in the appeals process described in section 711.16 of this Chapter until the existing Massage Establishment License or Massage Services License has expired, has been revoked, or has been surrendered by the Applicant.

#### **711.05 Massage Establishment License –Application.**

- a. Applications for Massage Establishment Licenses shall be filed with the Director. Within sixty (60) working days following receipt of the completed application, the Director shall either issue the License or mail a written statement of the reasons for denial. When necessary, the Director may extend the time beyond sixty (60) days in order to conduct a complete investigation.
- b. The application shall include the exact nature of the Massage, bath, or treatment to be administered, and the location of the proposed place of business and facilities where such services will take place. Applicants who cannot produce a license in good standing to practice Massage from the State Medical Board of

Ohio are required to furnish fingerprints for the purpose of establishing identification and criminal record through FBI and BCI criminal background checks. In addition, each Applicant shall furnish all the following information:

1. The full name, including any nicknames or other names used presently or in the past, and the present street address and phone number of the Applicant's residence;
2. The previous address of the Applicant for a period of three years immediately prior to the date of the application and the dates the Applicant resided in each of these previous residences;
3. Information necessary to perform a criminal background check, including the following: Applicant's date of birth, height, weight, eye and hair color, Applicant's Ohio Driver's License number and/or state identification number (if any), and Applicant's Social Security number;
4. The names, street addresses, and phone numbers of any Massage Establishment or any other business involving Massage, relaxation, or other related business by which the Applicant has been employed within the past ten years, and the dates of employment;
5. Any criminal conviction on the record of the Applicant for criminal offenses, other than traffic violations, within five years preceding the date of the application;
6. Whether the Applicant has ever had a license, certificate, permit, or other authorization to engage in the practice of Massage or related business;
7. Whether the Applicant currently owns or owned or was employed by a Massage Establishment or other business engaged in the practice of Massage that was suspended or revoked within the ten years preceding the date of the application, the dates and reasons for any such suspensions or revocations, and the name and location of the jurisdiction or agency that suspended or revoked such license, certificate, permit or other authorization;
8. Whether the Applicant, including Applicant as a member of a corporation, business, or partnership, has ever operated or been employed at any business that has been the subject of a nuisance abatement proceeding or any similar laws in other jurisdictions. If the Applicant has previously worked at such a business, the Applicant should provide the name and address of the business, the dates on which the Applicant was employed at such business, the name and location of the court in which the nuisance abatement action occurred, the applicable case number, and the outcome of the nuisance abatement action;
9. If the Applicant is a partnership, the application shall provide the names and street addresses of each general and limited partner;
10. If one or more partners is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation, and the full legal names and street addresses of each of its current officers and directors;
11. Whether the Applicant intends to personally provide Massage at the business, and if so, the Applicant must provide their license to practice Massage therapy from the State Medical Board of Ohio for photocopying;
12. If Applicant does not intend to personally provide Massage at the Massage Establishment, then Applicant must provide the names of all employees, known at the time of application, who will practice Massage therapy at the

Massage Establishment along with a statement under penalty of perjury that each of these employees have license(s) to practice massage therapy from the State Medical Board of Ohio;

13. A written statement under penalty of perjury that the Applicant will not personally give Massages at the Massage Establishment unless the Applicant is a Massage Therapist;
14. Whether the Applicant has previously applied to the City for a Massage Establishment License and the date of the application and every name(s) under which the application was made;
15. The proposed name and street address of the Massage Establishment, together with the name and street address of any other Massage business operated or managed by the Applicant within the ten years preceding the date of the application;
16. A statement under penalty of perjury that the Applicant has not made any false, misleading, or fraudulent statements or omissions of fact in their application or any other documents required by the City to be submitted with the application;
17. The name and street address of the owner or landlord and the lease holder of the proposed premises where the Massage services shall take place;
18. Acknowledgment by the Applicant that any information contained within the application that may change during the License period will be provided to the City within five (5) days of the change to maintain current records, including the names of newly hired employees who will provide Massage at the Massage Establishment;
19. Authorization for the City, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the Applicant;
20. Such other information as may be deemed necessary by the Director.

**711.06 Massage Services License – Application.**

- a. Applications for Massage Services Licenses shall be filed with the Director. Within sixty (60) working days following receipt of the completed application, the Director shall either issue the License or mail a written statement of the reasons for denial. When necessary, the Director may extend the time beyond sixty (60) days in order to conduct a complete investigation.
- b. The application shall include the Applicant's full, legal name, current residential address, a statement explaining the exact nature of the Massage, bath, or treatment to be administered, and the location of the proposed place of business and facilities where such services will take place. Applicants must also provide a copy of the results of the Applicant's background check performed as part of Applicant's licensing process by the State Medical Board of Ohio. If the Applicant can produce a license in good standing to practice Massage from the State Medical Board of Ohio but cannot produce a copy of the results of the Applicant's background check as required in this Section, Applicant must submit to a background check as required in Section 711.05(b). In the case of individuals intending to perform Outcall Massage, a statement indicating the individual's intent to perform Outcall Massage.

**711.07 Submittal of Documentation.**

Applicants shall submit all the following information at the time of their application in addition to the application:

a. *Massage Establishment License:*

1. A copy of an acceptable form of picture identification such as a driver's license or state identification card;
2. Two recent identical color photographs of the Applicant (similar to passport photographs);
3. For a renewal license, a statement that the Applicant has not violated any provision of this Chapter; and
4. Such other information as may be deemed necessary by the Director.

b. *Massage Services License:*

1. All documentation required to obtain a Massage Establishment License as listed in Section 711.07 (a) of this Chapter; and
2. A copy of the Applicant's license to practice Massage from the State Medical Board of Ohio.
3. A copy of the results of Applicant's background check performed as part of Applicant's licensing process by the State Medical Board of Ohio.

**711.08 Application Fees.**

Any application for a Massage Establishment License or for a Massage Services License shall be accompanied by a nonrefundable fee, as established in the Schedule for Permits, Inspections, Certificates and Fees. The application fee shall be used to offset the cost of review and investigation, and is not made in lieu of any other fees required by the Kettering Codified Ordinances. The application fee shall be paid at the time the application is submitted.

**711.09 License Expiration and Renewal.**

- a. Massage Establishment Licenses shall expire on December 31<sup>st</sup> of the year for which the License was issued and must be renewed annually.
- b. Massage Services Licenses shall expire on December 31<sup>st</sup> of the second year for which the License was issued and must be renewed every two years.
- c. A renewal fee will be assessed for each License being renewed. Applications for License renewal must be submitted to the Director no later than sixty (60) days prior to the expiration of such License. Renewal Licenses shall be granted upon a finding by the Director that no act, related to the Applicant or to the Massage Establishment that is the subject of the renewal application, has been committed during the previous License period that would be grounds to deny the initial License application. Once a License holder's License expires, the License holder shall be in violation of this Chapter until a new Massage Establishment License or new Massage Services License is obtained from the Director.

**711.10 Denial of Application.**

An application for a Massage Establishment or Massage Services License may be denied by the Director if any of the following are found:

- a. That the Applicant did not complete the necessary initial or renewal application for a License, that the Applicant made a material misstatement in said application, or that the Applicant failed to meet the applicable requirements of this Chapter;
- b. That the Applicant for a Massage Services or a Massage Establishment License or

any officers, directors, or employees of the Applicant for a Massage Establishment License have been convicted of:

1. Any sex offense under Ohio Law or any equivalent offenses under the laws of another jurisdiction, even if sealed;
  2. Any felony within the past five years;
  3. A prior offense that involves violation of federal, state or local laws involving illegal possession for sale, or sales of a controlled substance, or equivalent offenses in the past five years, even if sealed;
  4. Any offense involving the use of force or violence upon another Person in the past five years; or
  5. Any offense involving theft in the past five years.
- c. That the Massage services to be provided or the operation of a Massage Establishment as proposed by the Applicant, if permitted, would not comply with this Chapter, or any other applicable laws, including but not limited to, all City of Kettering ordinances and regulations.
- d. That the Applicant has previously violated any provision of this Chapter or any similar law, rule or regulation of another public agency that regulates Massage or the operation of Massage Establishments.

#### **711.11 Operating Requirements for Massage Establishments.**

All Massage Establishments shall comply with the following operating requirements:

- a. *Posting of Licenses.* A copy of each Massage Services License, Massage Establishment License, and Massage Therapists' license(s) from the State Medical Board of Ohio shall be posted in a conspicuous place in such a manner that it can easily be seen by Persons entering the establishment.
- b. *Posting of Services Available and Fees.* A list of all services available, the price thereof and the length of time each service shall be performed, shall be posted or available in a conspicuous place in such a manner that it can easily be seen by Persons entering the establishment. No other services, other than those posted, shall be provided.
- c. *Payment/Tips.* Payment for Massage services, and any tips, shall be paid for at the designated reception area of the business establishment.
- d. *Maintain Written Records.* Every Massage Establishment shall keep a written record of the date and hour of each service provided, the name and address of each patron and the service received, and the name of the Massage therapist administering the service. These records may not be used for any other purpose than as records of service provided, and may not be provided to other parties by the Massage Establishment unless otherwise required by law. Such records shall be retained on the premises of the Massage Establishment for a period of two years.
- e. *Standard of Dress for Massage Establishment Employees.* All Employees of the Massage Establishment shall remain fully clothed in clean outer garments while on the premises of the Massage Establishment.
- f. *Operating Hours.* No Massage Establishment shall be kept open for business, and no Massage Therapist shall administer Massages after the hour of ten p.m. or before the hour of seven a.m.
- g. *Lighting Required.* Massage Establishments will be lighted at all times during



business hours to clearly show the business is in operation. Rooms where Massage services are provided will be adequately lighted when occupied to meet all emergency exiting requirements.

**711.12 Massage Establishment - Conditions of Premises.**

- a. *Required Maintenance of Massage Establishment.* All premises and facilities of the Massage Establishment shall be maintained in a clean and sanitary condition at all times. The premises and facilities shall meet the applicable requirements of the City of Kettering Codified Ordinances, including but not limited to, those related to the safety of structures and building systems, property maintenance, zoning, and adequacy of the plumbing, heating, ventilation, and waterproofing of rooms in which showers, water, or steam baths are used and maintained.
- b. *Linens.* All Massage Establishments shall provide clean laundered sheets, towels, and other linen for use by clients. Such linens shall be laundered after each use and stored in a sanitary manner. Heavy white paper may be substituted for sheets on Massage tables, provided such paper is used only once for each client and is then discarded into a sanitary receptacle.
- c. *Privacy Standards for Massage Rooms and Dressing Rooms.* The Massage Establishment shall provide doors, curtains, accordion pleated enclosures or other similar privacy barriers for all dressing rooms and Massage rooms.

**711.13 Prohibited Acts.**

- a. *Touching of Sexual and Genital Parts of Client during Massage.* No holder of a Massage Establishment License, Massage Services License, or any other employee of a Massage Establishment shall place either their hand or hands upon, or touch with any part of their body, or with a mechanical device, a sexual or genital part of any other Person in the course of a Massage, or Massage a sexual or genital part of any other Person. Sexual and genital parts shall include the genitals, pubic area, anus, or perineum of any Person.
- b. *Uncovering and Exposure of Sexual and Genital Parts of Client Before, During, or After Massage.* No holder of a Massage Establishment License, Massage Services License, or any other employee of a Massage Establishment shall uncover and expose the sexual or genital parts of a client or themselves while engaged in the practice of Massage, or before or after a Massage.
- c. *Outcall Massage Services.* Massage Therapists providing Outcall Massage must carry their Massage Services License with them to each location where the Massage Therapist intends to perform Massage.
- d. *Transfer of Massage Establishment or Massage Services License.* No License issued pursuant to this Chapter shall be transferred or assigned in any manner, whether by authorization of law or otherwise, from any location to another location or from Person to Person, except that a Person possessing a Massage Services License, issued by the City, may move from one employer to another without filing a new application or paying a new fee, so long as the Massage Services License holder notifies the Director, in writing, of the change in their employment within five business days of such change. Failure to make this notification within five business days shall be grounds for suspension, revocation, nonrenewal, or denial of the Massage Services License.

**711.14 Denial, Suspension, or Revocation of License— Grounds.**

Any License issued under this Chapter may be suspended, revoked, or denied upon renewal by the Director designee for any reason that would have originally justified a refusal to issue the License, or for any of the following:

- a. Any violation of this Chapter;

- b. Any violation of the Kettering Codified Ordinances;
- c. Any material misrepresentation made on an initial or renewal application for a Massage Establishment License or a Massage Services License; or
- d. A refusal to permit the reasonable inspection of a Massage Establishment as required under this Chapter.

**711.15 Denial, Suspension, or Revocation – Notice – Hearing.**

- a. An Applicant for a Massage Establishment or Massage Services License or the holder of a Massage Establishment or Massage Services License shall be promptly notified in writing of any order of suspension, revocation, or denial of said application or License.
- b. The order shall explain the reason(s) for suspension, revocation, or denial and shall inform the Applicant or License holder of their ability to appeal the order in accordance with this Chapter and to obtain a hearing in front of the City of Kettering Business License Review Board (“Board”).
  - 1. The Board shall consist of the following individuals or their designees: the City Manager, the Finance Director, and the Chief of Police and shall select one of its members as Chairperson.
  - 2. The City Manager shall designate a City of Kettering employee to serve as secretary to the Board. The secretary shall file a record of all proceedings in the office of the City Manager.
- c. Notice shall be deemed to be properly served if a copy of the order is:
  - 1. Delivered personally to Applicant; or
  - 2. Transmitted via facsimile transmission to the last known fax number of the Applicant when the transmission verification report indicates that the transmission was successful. A copy of the transmission verification report may be used as proof of service; or
  - 3. Left at the usual place of business of the Applicant and with someone who is 18 years of age or older; or
  - 4. Sent by certified, pre-posted U.S. mail, return receipt requested, to the last known address of the Applicant; or
  - 5. If service is sent by certified, pre-posted U.S. mail and then returned showing that service was refused or unclaimed, or the return receipt is not returned within fourteen (14) days after the date of mailing, then notice may be sent by regular U.S. mail to the last known address of the Applicant; or
  - 6. Posted in a conspicuous location on or about the Massage Establishment or the last known address of the Applicant.
- d. Upon receipt of the order, the Applicant or License holder shall immediately cease any operation of a Massage Establishment and any practice of Massage within the City of Kettering.

**711.16 Appeals.**

- a. Unless otherwise prohibited by this Chapter, any denial of an application for a Massage Establishment or Massage Services License; or any order of suspension, revocation, or nonrenewal of a Massage Establishment or Massage Services License; or any notice of violation issued upon inspection of a Massage

Establishment may be appealed to the Board.

- b. Appellant must file written notice of appeal with the Director within five (5) working days after the date the order was served. Appellant's written notice of appeal must be delivered in Person or sent certified mail to the Director, return receipt requested. Appellant's formal, written appeal must then be filed by the appellant with the Director within ten (10) working days after appellant's receipt of the order.
- c. For each timely filed appeal, the Board shall conduct a hearing within fifteen (15) business days after the date of the appellant's formal written appeal, unless the appellant consents in writing to extend the date of the hearing. At such hearing, the appellant may appear in person or be represented by an attorney and present witnesses and evidence to the Board. The Director may appear and present witnesses and evidence to support the order or action.
- d. The Board, by a majority vote of those members present at the hearing, may affirm, amend or reverse the order, or take other action deemed appropriate. The Board shall issue a written decision within fifteen (15) business days of the conclusion of the hearing. The Board shall serve a copy of the final written decision on the appellant. If the Board finds in opposition of appellant, then appellant may appeal the decision to a court of competent jurisdiction pursuant to Ohio Revised Code Chapter 2506.
- e. In conducting the hearing, the Board shall not be limited by the technical rules of evidence. The procedure and conduct of the Board shall comply with the then current version of Robert's Rules of Order, unless otherwise provided for by written and adopted rules of procedure by the Board. Any Person requesting an appeal shall pay a nonrefundable fee set forth in the Kettering Schedule for Permits, Inspections, Certificates and Fees at the time of filing the appeal.

#### **711.17 Inspections.**

All Persons shall permit the inspection of a Massage Establishment to determine compliance with this Chapter and other applicable state and local laws at any time the Massage Establishment is occupied or open for business.

#### **711.18 Enforcement and Penalty.**

- a. Enforcement of any of the provisions of this Chapter may be by civil action and/or criminal prosecution. In addition to civil action and/or criminal prosecution, any unpaid administrative nuisance abatement fees may be certified for collection to the County Auditor pursuant to O.R.C. § 715.261.
- b. Any individual who advertises, offers, or provides Massage services in violation of this Chapter is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day a violation occurs or continues.
- c. Any individual who holds a License under this Chapter who violates any provision of this Chapter is guilty of a misdemeanor of the second degree. A separate offense shall be deemed committed each day a violation occurs or continues.
- d. Any individual who violates the provisions of Section 711.11(B) of this Chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day a violation occurs or continues.
- e. Any or all of the following additional actions may be taken against an individual who violates any provision of this Chapter:
  - 1. Additional fines may be assessed;

2. A Massage Establishment License may be suspended for up to 90 days;
3. A Massage Services License may be suspended for up to 90 days;
4. A Massage Establishment License may be revoked; and
5. A Massage Services License may be revoked.

**711.19 Immunity from Prosecution**

The City and its designee, the Kettering Police Department and all other departments and agencies, and all other City officers, agents, and employees, charged with enforcement of State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a Massage Establishment while acting within the scope of authority conferred by this Chapter.

**711.20 Continuing Violations—Alternative Remedies.**

The City of Kettering Law Director may commence civil action to enjoin the continued violation of any provision of this Chapter or to abate a nuisance, as an alternative, or in conjunction with any other civil or criminal proceedings provided for herein.

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 4318-18

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>
<b>A. <u>OFFICE OF THE CITY MANAGER</u></b>	
<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 714
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>B. <u>DEPARTMENT OF LAW</u></b>	
<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
**67	Patrol Officer	304, 305 or 306

Regular Full-Time Civilian Positions

*	Police Cadet	5
2	Uniformed Deputy Bailiff	8
5	Jailer	6
1	Secretary I or II	104 or 106
1	Secretary I	104
5	Police Records Specialist	100 or 102
1	Community Service Specialist	3 thru 6
1	Crime Analyst	706

Regular Part-Time Positions

*	Accreditation Administrator	104
*	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
15	Captain (Appointed prior to 9/23/13) (Appointed on or after 9/23/13)	605 605-1
57	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
- \*2 Safety Supervisor 851 thru 856
  - \*14 Crossing Guard (Appointed prior to 1/1/14) 851 thru 856
  - Crossing Guard (Appointed on or after 1/1/14) 851 thru 855
  - \* 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

* Clerk	810 thru 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
37 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)

1 Traffic Control III	206 thru 208
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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	716
1 Equipment Maintenance Supervisor	714
5 Equipment Mechanic	206 thru 210
1 Parts Inventory Attendant	200 thru 205
1 Clerk or Aide I or II	100 or 102

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

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

L. DEPARTMENT OF PARKS, RECREATION AND CULTURAL ARTS

Regular Full-Time Positions

1	Parks, Recreation and Cultural Arts Director	722
4	PRCA Superintendent	718
1	PRCA Manager III	716
4	PRCA Manager II	714
2	PRCA Manager I	712
9	PRCA Supervisor	705 thru 709
8	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

*	PRCA Tech I	003
*	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

M. OFFICE OF CLERK OF COUNCIL

Regular Full-Time Positions

1	Clerk of Council	104 thru 106
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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

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

- 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	\$20.60	\$21.69	\$22.66	\$23.94	\$25.12	\$26.87
	Year	42,848	45,115	47,133	49,795	52,250	55,890
4	Hour	\$21.69	\$22.66	\$23.94	\$25.12	\$26.46	\$28.35
	Year	45,115	47,133	49,795	52,250	55,037	58,968
5	Hour	\$22.66	\$23.94	\$25.12	\$26.46	\$27.65	\$29.38
	Year	47,133	49,795	52,250	55,037	57,512	61,110
6	Hour	\$23.94	\$25.12	\$26.46	\$27.65	\$28.94	\$30.81
	Year	49,795	52,250	55,037	57,512	60,195	64,085
7	Hour	\$25.12	\$26.46	\$27.65	\$28.94	\$30.39	\$32.44
	Year	52,250	55,037	57,512	60,195	63,211	67,475
8	Hour	\$26.46	\$27.65	\$28.94	\$30.39	\$32.04	\$33.87
	Year	55,037	57,512	60,195	63,211	66,643	70,450
9	Hour	\$27.65	\$28.94	\$30.39	\$32.04	\$33.49	\$35.59
	Year	57,512	60,195	63,211	66,643	69,659	74,027
10	Hour	\$28.94	\$30.39	\$32.04	\$33.49	\$35.29	\$37.37
	Year	60,195	63,211	66,643	69,659	73,403	77,730
11	Hour	\$30.39	\$32.04	\$33.49	\$35.29	\$37.01	\$39.19
	Year	63,211	66,643	69,659	73,403	76,981	81,515
12	Hour	\$32.04	\$33.49	\$35.29	\$37.01	\$38.85	\$41.11
	Year	66,643	69,659	73,403	76,981	80,808	85,509
13	Hour	\$33.49	\$35.29	\$37.01	\$38.85	\$40.78	\$43.02
	Year	69,659	73,403	76,981	80,808	84,822	89,482

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

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	\$17.12	\$17.47	\$17.76	\$18.08	\$18.48
	Year	35,610	36,338	36,941	37,606	38,438
51	Hour	\$18.08	\$18.48	\$18.81	\$19.08	\$19.42
	Year	37,606	38,438	39,125	39,686	40,394
52	Hour	\$19.08	\$19.42	\$19.77	\$20.03	\$20.44
	Year	39,686	40,394	41,122	41,662	42,515
53	Hour	\$20.44	\$20.68	\$21.14	\$21.40	\$21.74
	Year	42,515	43,014	43,971	44,512	45,219
54	Hour	\$21.40	\$21.74	\$22.09	\$22.42	\$22.71
	Year	44,512	45,219	45,947	46,634	47,237

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

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	\$25.79	\$26.97	\$28.22	\$29.66	\$31.24	\$33.03
	Year	53,643	56,098	58,698	61,693	64,979	68,702
81	Hour				\$30.07	\$31.67	\$33.48
	Year				62,546	65,874	69,638
82	Hour				\$30.50	\$32.12	\$33.96
	Year				63,440	66,810	70,637

**NOTE:** Rates in the above Pay Table are effective from and after 05/27/19.

**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>
80	Hour	\$26.43	\$27.64	\$28.93	\$30.40	\$32.02	\$33.86
	Year	54,974	57,491	60,174	63,232	66,602	70,429
81	Hour				\$30.82	\$32.46	\$34.32
	Year				64,106	67,517	71,386
82	Hour				\$31.26	\$32.92	\$34.81
	Year				65,021	68,474	72,405

**NOTE:** Rates in the above Pay Table are effective from and after 05/25/20.

**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	\$18.42	\$19.46	\$20.32	\$21.31	\$22.45	\$23.94
	Year	38,314	40,477	42,266	44,325	46,696	49,795
101	Hour	\$19.46	\$20.32	\$21.31	\$22.45	\$23.50	\$25.12
	Year	40,477	42,266	44,325	46,696	48,880	52,250
102	Hour	\$20.32	\$21.31	\$22.45	\$23.50	\$24.76	\$26.48
	Year	42,266	44,325	46,696	48,880	51,501	55,078
103	Hour	\$21.31	\$22.45	\$23.50	\$24.76	\$25.97	\$27.65
	Year	44,325	46,696	48,880	51,501	54,018	57,512
104	Hour	\$22.45	\$23.50	\$24.76	\$25.97	\$27.22	\$28.83
	Year	46,696	48,880	51,501	54,018	56,618	59,966
105	Hour	\$23.50	\$24.76	\$25.97	\$27.22	\$28.63	\$30.29
	Year	48,880	51,501	54,018	56,618	59,550	63,003
106	Hour	\$24.76	\$25.97	\$27.22	\$28.63	\$30.03	\$31.83
	Year	51,501	54,018	56,618	59,550	62,462	66,206
107	Hour	\$25.97	\$27.22	\$28.63	\$30.03	\$31.54	\$33.34
	Year	54,018	56,618	59,550	62,462	65,603	69,347
108	Hour	\$27.22	\$28.63	\$30.03	\$31.54	\$33.06	\$34.89
	Year	56,618	59,550	62,462	65,603	68,765	72,571
109	Hour	\$28.63	\$30.03	\$31.54	\$33.06	\$34.72	\$36.73
	Year	59,550	62,462	65,603	68,765	72,218	76,398
110	Hour	\$30.03	\$31.54	\$33.06	\$34.72	\$36.49	\$38.60
	Year	62,462	65,603	68,765	72,218	75,899	80,288
111	Hour	\$31.54	\$33.06	\$34.72	\$36.49	\$38.34	\$40.25
	Year	65,603	68,765	72,218	75,899	79,747	83,720
112	Hour	\$33.06	\$34.72	\$36.49	\$38.34	\$40.25	\$42.21
	Year	68,765	72,218	75,899	79,747	83,720	87,797

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

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.

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							
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**

<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 Year	\$19.60 40,768	\$20.48 42,598	\$21.40 44,512	\$22.37 46,530	\$23.38 48,630	\$24.43 50,814
201	Hour Year	\$20.48 42,598	\$21.40 44,512	\$22.37 46,530	\$23.38 48,630	\$24.43 50,814	\$25.52 53,082
202	Hour Year	\$21.40 44,512	\$22.37 46,530	\$23.38 48,630	\$24.43 50,814	\$25.52 53,082	\$26.66 55,453
203	Hour Year	\$22.37 46,530	\$23.38 48,630	\$24.43 50,814	\$25.52 53,082	\$26.66 55,453	\$27.89 58,011
204	Hour Year	\$23.38 48,630	\$24.43 50,814	\$25.52 53,082	\$26.66 55,453	\$27.89 58,011	\$29.13 60,590
205	Hour Year	\$24.43 50,814	\$25.52 53,082	\$26.66 55,453	\$27.89 58,011	\$29.13 60,590	\$30.44 63,315
206	Hour Year	\$25.52 53,082	\$26.66 55,453	\$27.89 58,011	\$29.13 60,590	\$30.44 63,315	\$31.80 66,144
207	Hour Year	\$26.66 55,453	\$27.89 58,011	\$29.13 60,590	\$30.44 63,315	\$31.80 66,144	\$33.24 69,139
208	Hour Year	\$27.89 58,011	\$29.13 60,590	\$30.44 63,315	\$31.80 66,144	\$33.24 69,139	\$34.73 72,238
209	Hour Year	\$29.13 60,590	\$30.44 63,315	\$31.80 66,144	\$33.24 69,139	\$34.73 72,238	\$36.29 75,483
210	Hour Year	\$30.44 63,315	\$31.80 66,144	\$33.24 69,139	\$34.73 72,238	\$36.29 75,483	\$37.92 78,874
211	Hour Year	\$31.80 66,144	\$33.24 69,139	\$34.73 72,238	\$36.29 75,483	\$37.92 78,874	\$39.64 82,451

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

**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	\$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.

**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**

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<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
401	Hour (56 hr week sched)	\$23.01	\$23.99	
	Hour (40 hr week sched)	32.22	33.58	
	Year	67,018	69,846	
402	Hour (56 hr week sched)	\$25.08	\$26.11	
	Hour (40 hr week sched)	35.11	36.55	
	Year	73,029	76,024	
403	Hour (56 hr week sched)	\$27.21	\$28.62	\$30.22
	Hour (40 hr week sched)	38.09	40.07	42.31
	Year	79,227	83,346	88,005

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
404	Hour (56 hr week sched)	\$23.71	\$24.71	
	Hour (40 hr week sched)	33.19	34.59	
	Year	69,035	71,947	
405	Hour (56 hr week sched)	\$25.83	\$26.89	
	Hour (40 hr week sched)	36.16	37.65	
	Year	75,213	78,312	
406	Hour (56 hr week sched)	\$28.02	\$29.48	\$31.13
	Hour (40 hr week sched)	39.23	41.27	43.58
	Year	81,598	85,842	90,646

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**NOTE:** Rates in the above Pay Table are effective from and after 08/19/19.

### STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
401	Hour (56 hr week sched)	\$23.59	\$24.59	
	Hour (40 hr week sched)	33.03	34.42	
	Year	68,702	71,594	
402	Hour (56 hr week sched)	\$25.71	\$26.76	
	Hour (40 hr week sched)	35.99	37.46	
	Year	74,859	77,917	
403	Hour (56 hr week sched)	\$27.89	\$29.34	\$30.98
	Hour (40 hr week sched)	39.04	41.07	43.37
	Year	81,203	85,426	90,210
<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
404	Hour (56 hr week sched)	\$24.30	\$25.32	
	Hour (40 hr week sched)	34.02	35.45	
	Year	70,762	73,736	
405	Hour (56 hr week sched)	\$26.48	\$27.56	
	Hour (40 hr week sched)	37.07	38.58	
	Year	77,106	80,246	
406	Hour (56 hr week sched)	\$28.72	\$30.21	\$31.91
	Hour (40 hr week sched)	40.21	42.30	44.67
	Year	83,637	87,984	92,914

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**NOTE:** Rates in the above Pay Table are effective from and after 08/17/20.

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 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.

#### 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.

STEP RATES

<u>PAY</u> <u>GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>
504	Hour	\$48.78	\$50.02
	Year	101,462	104,042
505	Hour	\$52.50	\$53.78
	Year	109,200	111,862

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

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 three (3) 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

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<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

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**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

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<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

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**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

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<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)	\$36.67	\$37.14	\$37.61	\$38.42
	Hour (40-hr. week schedule)	\$51.34	\$51.99	\$52.66	\$53.79
	Year	106,787	108,139	109,533	111,883

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

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 Year	\$29.38 61,110	714	Hour Year	\$45.15 93,912
706	Hour Year	\$30.81 64,085	715	Hour Year	\$47.56 98,925
707	Hour Year	\$32.06 66,685	716	Hour Year	\$49.83 103,646
708	Hour Year	\$33.87 70,450	717	Hour Year	\$52.25 108,680
709	Hour Year	\$35.59 74,027	718	Hour Year	\$54.83 114,046
710	Hour Year	\$37.37 77,730	719	Hour Year	\$57.57 119,746
711	Hour Year	\$39.19 81,515	720	Hour Year	\$60.39 125,611
712	Hour Year	\$41.11 85,509	721	Hour Year	\$63.43 131,934
713	Hour Year	\$43.02 89,482	722	Hour Year	\$66.59 138,507
			724	Hour Year	\$73.37 152,610

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

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

- A. The City Manager’s “Employment Agreement,” expiring December 31, 2022, provides for the City Manager’s compensation and benefits as follows: (i.) commencing December 23, 2019, the City Manager shall be paid an annual base salary of \$186,929.60, as calculated from an “hourly base rate” of \$89.87 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/SEASONAL 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/SEASONAL 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							\$8.70	\$8.75	\$8.85	\$8.95	\$9.05	\$9.15	\$9.25
811	HOUR				\$8.70	\$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 12/23/19.

B. PAY TABLES FOR REGULAR PART-TIME POSITIONS

PAY GRADE	BASIS	STEP RATES				
		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
850	HOUR	\$13.13	\$13.42	\$13.80	\$14.15	\$14.42
851	HOUR	\$14.15	\$14.42	\$14.76	\$15.12	\$15.52
852	HOUR	\$15.12	\$15.52	\$15.73	\$16.13	\$16.45
853	HOUR	\$16.13	\$16.45	\$16.76	\$17.12	\$17.47

854	HOUR	\$17.12	\$17.47	\$17.76	\$18.08	\$18.48
855	HOUR	\$18.08	\$18.48	\$18.81	\$19.08	\$19.42
856	HOUR	\$19.08	\$19.42	\$19.77	\$20.03	\$20.44
857	HOUR	\$20.44	\$20.68	\$21.14	\$21.40	\$21.74
858	HOUR	\$21.40	\$21.74	\$22.09	\$22.42	\$22.71
859	HOUR	\$22.42	\$22.71	\$23.08	\$23.38	\$23.77
860	HOUR	\$23.38	\$23.77	\$24.08	\$24.33	\$24.74
861	HOUR	\$24.33	\$24.74	\$25.09	\$25.45	\$25.71
862	HOUR	\$25.45	\$25.71	\$26.04	\$26.46	\$26.75

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

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 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) Subject to Call. Patrol Officers are subject to call during both paid and unpaid meal periods.
- b) 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.

- 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 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 Cadets 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 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. Whenever it is necessary for an off-duty Fire Battalion Chief 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.
- L. 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.
- M. 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.
- N. 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.
- O. 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.
- 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) 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

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 Fire Battalion Chief is transferred to a fifty-six (56) hour workweek schedule, any balance of vacation leave is multiplied by 1.4. When a Fire Battalion Chief 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.

- (3) 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.
- (4) 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.
- (5) 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, 200 through 211, 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.

- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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. 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 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 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 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, 100 through 112, 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 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. 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 Fire Battalion Chief's normally scheduled work day, the Fire Battalion Chief will receive no holiday pay. The City Manager may make adjustments in a Fire Battalion Chief's holiday hours/pay to avoid potential inequities resulting due to a Fire Battalion Chief's schedule.
- G. 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.

#### H. 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 Police Department Uniformed Deputy Bailiffs and Jailers may be granted four (4) days (32 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 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 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 and Police Captains, shall receive an annual uniform maintenance allowance of \$1,500. The Fire Chief, Assistant Fire Chiefs and Fire Battalion Chiefs 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 23, 2019, unless otherwise provided.

The compensation for the Mayor and other Council Members shall be computed from and after January 1, 2020. 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 27, 2019.

The effective date of computations for pay schedules in Section 202 shall be computed from and after March 4, 2019.

The effective date of computations for pay schedules in Section 203 shall be computed from and after February 18, 2019.

The effective date of computations for pay schedules in Section 204 shall be computed from and after August 19, 2019.

The effective date of computations for pay schedules in Section 205 shall be computed from and after December 23, 2019.

The effective date of computations for pay schedules in Section 206 (Pay Grades 605 and 605-1) shall be computed from and after December 23, 2019.

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 23, 2019.

Section 409. ORDINANCES REPEALED.

Ordinance No. 4318-18 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 \_\_\_\_\_, 2019

\_\_\_\_\_  
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)