



CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • TONY KLEPACZ, VICE MAYOR
BRUCE E. DUKE • LISA DUVALL • JACQUE FISHER • BILL LAUTAR • BOB SCOTT

KETTERING COUNCIL AGENDA

December 7, 2021

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

5:30 P.M. **BUDGET WORKSHOP** Deeds Room
7:30 P.M. **REGULAR MEETING** Council Chambers

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

November 23, 2021- Council Meeting & Workshop Minutes
November 30, 2021- Special Meeting Minutes

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

Appointment Board of Community Relations Student Liaison- Miranda Stidham (Term ending 5/31/22)

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

1. To amend Chapter 478 of the Codified Ordinances of the City of Kettering regarding shared mobility devices.

RESOLUTIONS

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, 2022.
3. Authorizing the City Manager to contract with the Miami Valley Fair Housing Center for operation of the city's fair housing program.
4. Authorizing the City Manager to enter into and implement one or more mutual cooperation agreements with Day Air Credit Union for programs supporting affordable and sustainable homeownership and home improvements in Kettering; and authorizing the expenditure of Coronavirus State and Local Fiscal Recovery Funds on programs that help mitigate financial hardships exacerbated by the Covid-19 pandemic.
5. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2021.

ORDINANCES IN FIRST READING

6. 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. 4365-21.

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
2021

December 6	6:00 p.m. 7:00 p.m.	Board of Community Relations Planning Commission
December 7	4:00 p.m. 5:30 p.m. 7:30 p.m.	Partners for Healthy Youth Budget Workshop City Council Meeting
December 13	7:00 p.m.	Board of Zoning Appeals
December 14	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
December 20	7:00 p.m.	Planning Commission
December 24	All Day	Government Center Closed

CITY OF KETTERING, OHIO
AN ORDINANCE

By:

No.

**TO AMEND CHAPTER 478 OF THE CODIFIED ORDINANCES
OF THE CITY OF KETTERING REGARDING SHARED
MOBILITY DEVICES**

WHEREAS, on February 11, 2020, the City Council passed Ordinance 4337-20, which implemented a one year moratorium on the operation of shared mobility devices within the City; and

WHEREAS, Ordinance 4337-20 was passed to provide time to research and consider the benefits and consequences related to the operation of shared mobility devices in the public right-of-way and whether such activities should be allowed, limited, or entirely prohibited; and

WHEREAS, Ordinance 4337-20, required City staff to make informed recommendations to City Council regarding potential changes to the City's Codified Ordinances based on City Council's determination whether to allow, limit, or prohibit these activities within the City; and

WHEREAS, City staff presented recommendations to City Council to allow shared mobility devices to operate within the City under a framework of regulations that will allow Kettering residents and visitors to reap the benefits of such devices while limiting the risks; and

WHEREAS, City Council has accepted these recommendations and desires to regulate the operation of shared mobility devices within the City in accordance with the amended version of Chapter 478 of the Codified Ordinances as stated herein; and

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

Section 1. Chapter 478 of the City of Kettering Codified Ordinances is amended and renumbered to read as set forth in the attached Exhibit A.

Section 2. If any portion of Chapter 478 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 _____, 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Law Department)

EXHIBIT A

(10 total pages, including this page)

Chapter 478
Shared Mobility Devices

478.01	Purpose	478.08	Safety Requirements
478.02	Definitions	478.09	Distribution
478.03	Permit Required, Terms, and Fees	478.10	Geo-fencing
478.04	Use of Right of Way	478.11	Data, Statistics, and Reporting
478.05	Operations and Maintenance	478.12	Insurance and Indemnification
478.06	Fleet Size Requirements	478.13	Termination, Suspension, Revocation
478.07	Shared Mobility Device Parking	478.14	Appeal

SECTION 478.01 Purpose

The purpose of this Chapter is to regulate the operation of Shared Mobility Devices and the entities that own or manage Shared Mobility Device Programs within the City of Kettering in an effort to provide the public with safe and efficient transportation options.

SECTION 478.02 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:

"Bicycle" is defined in Section 402.05.

"Block face" means one side of a street between two consecutive intersecting streets.

"City" means the City of Kettering, Ohio.

"Docked Shared Mobility Device Program" means a program in which Operators distribute Shared Mobility Devices to Users via a stationary location or dock and the Shared Mobility Devices must be returned at specific stationary locations or docks. Shared Mobility Devices are tracked via GPS or other similar technology and can be located by Users and Operators.

"Dockless Shared Mobility Device Program" means a program in which Operators distribute Shared Mobility Devices to Users throughout a City to be rented per trip. The Shared Mobility Devices can be locked at any lawful location subject to Section 478.07 of this Chapter, such as a bike or scooter rack(s). These Devices are tracked via GPS or other similar technology and can be located by Users and Operators.

"Electric bicycle," or "e-bike" means a two-wheeled device that has handlebars, a seat, and pedals designed to be operated similar to a bicycle, and is powered by electricity. The electricity is stored on board in a battery.

"Electric Scooter" or "e-scooter" means a two-wheeled device that has handlebars, a floor board, is designed to be stood upon when operating, and is powered by electricity. The electricity is stored on board in a battery.

"Geo-fencing" means the use of a Global Positioning System (GPS), Radio Frequency Identification (RFID), or other similar technology to create a virtual geographic boundary, enabling software to trigger a disabling response when a shared mobility device enters or leaves a particular area.

"Free Operator" means a company, person, or philanthropic organization that manages, owns, or operates a Shared Mobility Device Program but does not charge for the use of their Shared Mobility Device Program.

"Operator" means a company or person that manages, owns, or operates a Shared Mobility Device Program, business, or enterprise.

"Shared Mobility Device Program Fee" means a per vehicle annual fee paid by Operators to repair, maintain, and build public infrastructure and cover the City's administrative costs associated with Shared Mobility Device Programs.

"Shared mobility Device Program Permit" means a permit issued by the City to Operators as described in this Chapter.

"Shared Mobility Device Program" means a transportation business or operation managed by an Operator or Free Operator that is ideal for short distance, point-to-point trips providing Users the ability to pick up a Shared Mobility Device from one location and leave it at another within a Program's area. The Program provides Users unencumbered access to Shared Mobility Devices within a defined Program area. Shared Mobility Devices can be remotely accessed via a smart phone application or other means and do not need to be attended by the Operator.

"Shared Mobility Device" means bicycles, electric bicycles, electric scooters, or other similar devices that are part of a Shared Mobility Device Program.

"Users" means any individual operating or riding a Shared Mobility Device.

SECTION 478.03 Permit Required, Term, and Fees

- (A) All Operators wishing to operate a Shared Mobility Device Program within the City shall submit a Shared Mobility Device Program Application ("Program Application"), a Shared Mobility Device Program Application Fee, (Program Application Fee") and secure a Shared Mobility Device Program Permit ("Program Permit"), as issued by the City of Kettering Engineering Department, and submit a Shared Mobility Device Program Fee ("Program Permit Fee"). The decision to issue a Program Permit is at the sole discretion of the City.
- (B) Each Program Permit shall be active for one year from the date of issuance. Prior to the expiration of the Program Permit, applicants desiring to continue to operate their Shared Mobility Device Programs within the City must apply for a renewal of the Program Permit.
- (C) The Program Application Fee, Program Permit Fee, and other fees as applicable, shall be established and maintained in a fee schedule by the City of Kettering Engineering Department.
- (D) All Operators shall pay the City, through the City of Kettering Engineering Department, a Program Permit Fee per Shared Mobility Device, per year, calculated based upon the fleet size requested and approved in the Program Permit Application. Should an increase in fleet size be approved in accordance with Section 478.06 of this Chapter, the Program Permit Fee amount shall also be increased to reflect the new fleet size. The Program Fee shall pay for the City's administrative costs and the cost of installation, maintenance, and repair of City's infrastructure related to or necessitated by the Shared Mobility Device Program.
- (E) Shared Mobility Device Programs that are managed by Free Operators shall be required to secure a Program Permit as stated in this Section. However, Shared Mobility Device Programs that are managed by Free Operators shall be exempt from the fees required in subsections (C) and (D) of this Section for each fiscal year in which the Shared Mobility Device Program continues to be managed by a Free Operator.
- (F) The Program Permit Application shall, at a minimum, require the following:
 - (1) The form of business of the applicant and, if the business is a corporation, association, or other legal entity, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;
 - (2) The address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

- (3) The name of a person designated by the applicant to receive, on behalf of the applicant, any future notices sent by the City to the Operator and that person's contact information, including a mailing address, telephone number, and e-mail address;
 - (4) The plans and information required under Section 478.09 of this Chapter regarding alternative means for Users to pay for the use of Operator's Shared Mobility Devices and the equitable distribution of Shared Mobility Devices to low-income, minority, non-English speaking, and zero-car populations;
 - (5) Documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required in Section 478.12 of this Chapter;
 - (6) Documentary evidence from a bonding company, insurance company, or bank indicating that it has bound itself to provide the applicant with the performance bond or irrevocable line of credit required in Section 478.12 of this Chapter;
 - (7) The number and type of Shared Mobility Devices to be operated under the Program Permit, not to exceed the limits set in Section 478.06 of this Chapter, unless otherwise approved by the City;
 - (8) A signed agreement to indemnify and hold harmless the City from any damages related to the use of Shared Mobility Devices in the City;
 - (9) An example of the language agreed to by any User of the Operator's Shared Mobility Devices that holds the City harmless from and indemnifies the City from any damages related to the User's use of the Operator's Shared Mobility Devices in the City;
 - (10) A notarized signature of the applicant; and
 - (11) Any additional information requested by the City necessary to determine whether the Applicant is able to meet the requirements of this Chapter.
- (G) At a minimum, the Program Permit shall contain the following:
- (1) The amount of Shared Mobility Devices the Operator is permitted to have in service;
 - (2) The hours that the Shared Mobility Devices may be in service;
 - (3) The expiration date of the permit; and
 - (4) The name, address, and contact information of the Operator.
- (H) The City may refuse to issue or renew a Program Permit under the following circumstances:
- (1) If the Operator or applicant intentionally or knowingly makes a false statement in an Application for a Program Permit;
 - (2) If the Operator or applicant has violated any state, local, or federal law, rule, or regulation;
 - (3) If the City determines, in its sole discretion, that the amount of Shared Mobility Devices deployed within the City exceeds the amount of Shared Mobility Devices permitted to operate within the City or exceeds an amount that the City Rights of Way is capable of withstanding; or
 - (4) If the City, in its sole discretion, determines that the Operator has not been responsive to community or City concerns in its use of the Rights of Way.
- (I) It shall be unlawful to operate a Shared Mobility Device Program without a valid Program Permit obtained in accordance with this Chapter and a valid Rights of Way Certificate of Registration obtained in accordance with Chapter 901 – Rights of Way Administration of this Code .
- (J) A Program Permit is non-transferable.

SECTION 478.04 Use of Rights of Way

- (A) Docked Shared Mobility Device Programs may locate their docking stations on private property as permitted in writing by the owners of that property. Docked Shared Mobility Device Programs may locate their docking

stations in public Rights of Way pursuant to the Operator's receipt of a Certificate of Registration in accordance with Chapter 901 – Rights of Way Administration of this Code. The locations of docking stations in the public Rights of Way shall be determined by the City in its sole discretion. A user, having activated and completed use of the Shared Mobility Device in accordance with the Operator's rules, must leave the Shared Mobility Device at the docking station designated by the Docked Shared Mobility Device Program within the Program's service area for the next User.

- (B) Dockless Shared Mobility Device Programs may locate their Shared Mobility Devices, racks, and other parking equipment on private property as permitted in writing by the owners of that property, or on public Rights of Way pursuant to the Operator's receipt of a Certificate of Registration in accordance with Chapter 901- Rights of Way Administration of this Code. The locations of Dockless Shared Mobility Devices and their racks or other parking equipment in the public Rights of Way shall be determined by the City in its sole discretion. A User, having activated and used the Shared Mobility Device in accordance with the Operator's rules, may leave the Shared Mobility Device at any designated lawful location, subject to Section 478.07 of this Chapter, within the Dockless Shared Mobility Device Program's service area. The Shared Mobility Device is then available for another's use.

SECTION 478.05 Operations and Maintenance

- (A) All Operators shall have staffed operations located within the City for the purpose of Shared Mobility Device maintenance and rebalancing.
- (B) All Operators shall have a staffed 24-hour customer service phone number for Users to report safety concerns, maintenance issues, complaints, or ask questions.
- (C) Every Shared Mobility Device shall have the Operator's name, phone number for reporting issues, and a unique identifier for each Shared Mobility Device that is clearly displayed and visible to the User on the Shared Mobility Device.
- (D) All Operators must affix to each of their Shared Mobility Devices a readily accessible, clearly displayed, tactile sign containing raised characters and accompanying Braille that identifies the Operator's name, phone number for reporting issues, the unique identifier of the Shared Mobility Device, and the contact information for the City of Kettering.
- (E) All Shared Mobility Device Program websites and mobile applications must be accessible to visually impaired pedestrians to report issues with any Shared Mobility Devices.
- (F) Operators shall deploy their Shared Mobility Devices for use by Users prior to 7:00 a.m., local time, daily from the Shared Mobility Devices' docks, racks, or designated parking areas approved by the City in accordance with section 478.07(F) of this Chapter. All Shared Mobility Devices must be immobilized each day by 8:00 p.m. Operators must retrieve any Shared Mobility Devices that are left outside of a dock, rack, or designated parking area and return the Shared Mobility Device to a dock, rack, or designated parking area by 9:00 p.m. An Operator's failure to perform these duties may result in the impoundment of any Shared Mobility Device(s) left outside of a dock, rack, or designated parking area past 9:00 p.m., and Operator must pay all costs of impoundment. Continued failure to adhere to this Section may result in the termination, suspension, revocation of Operator's Program Permit or a refusal to renew the Program Permit upon Operator's submission of a Program Permit Application.
- (G) Any inoperable, faulty, or damaged Shared Mobility Device shall be removed from the public Rights of Way within 2 hours of notice given by any means to the Operator by any individual or entity. Any inoperable or unsafe Shared Mobility Device shall be repaired to full working order before being placed back into operation by Operators.
- (H) If the City determines that a Shared Mobility Device is a safety hazard to the public or that a Shared Mobility Device is parked in violation of this Section or Section 478.07 of this Chapter then the City may impound the Shared Mobility Device(s). Notice of impoundment shall be sent via regular U.S. Mail or certified mail to the Operator at the mailing address listed in Operator's Program Permit Application and shall state that the Shared Mobility Device shall be disposed of if Operator does not claim it within ten (10) days of the date listed in the notice. The Operator may reclaim the Shared Mobility Device upon the presentation of proof of ownership of

the Shared Mobility Device and the payment of an impoundment fee covering the cost of retrieval and storage of the Shared Mobility Device. The City will not be liable for any damages that occur as a result of impoundment. The Operator shall pay for the cost of removal and storage related to impoundment of the Shared Mobility Device(s). Any Shared Mobility Device, removed by the City from public Rights of Way pursuant to this Chapter, which is not claimed by the Operator in accordance with this Section and remains unclaimed with the City for 60 days, shall be considered abandoned, and the City may assert ownership of same, and keep or dispose of said Shared Mobility Device as City sees fit, including public sale. The proceeds of any such sale shall belong to City.

- (I) The City may, with or without notice, inspect Operator's compliance with this Chapter. If an Operator is found to be in non-compliance, the City may terminate, suspend, or revoke the Operator's Program Permit in accordance with Section 478.13 of this Chapter or may refuse to renew the Operator's Program Permit upon Operator's submission of a Program Permit Application.

SECTION 478.06 Fleet Size Requirements

- (A) Permitted bicycle Operators for both bicycles and electric bicycles shall have a minimum fleet size of 50 bicycles/electric bicycles, and a maximum bicycle/electric bicycle fleet size of 100 bicycles.
- (B) Permitted electric scooter Operators shall have a minimum fleet size of 50 electric scooters, and a maximum fleet size of 100 electric scooters.
- (C) Permitted Operators with a combination of bicycles/electric bicycles and scooters shall have a minimum fleet size of 50 Shared Mobility Devices and a maximum of 150 Shared Mobility Devices, provided that there is a minimum of 20 of each type of Shared Mobility Device.
- (D) The total number of Shared Mobility Devices permitted within the City shall be limited to a cumulative total of 500 between all permittees.
- (E) All applicants shall include their fleet size in their Program Permit Application.
- (F) The City may increase the maximum number of Shared Mobility Devices allowed in an Operator's fleet above the maximums in subsections (A)—(C) at its sole discretion and will consider doing so on a permit-by-permit basis. In order to increase the maximum number of Shared Mobility Devices, an Operator must demonstrate that, on average, each Shared Mobility Device in their fleet is being used more than three times per day. Operators may request an increase to their fleet size above the maximum amount up to one time per month, provided that at least two months have elapsed after their initial Program Permit issuance. Each request will be subject to an increase in the Operator's Program Permit Fee upon renewal of the Operator's Program Permit, as provided in Section 478.03.

SECTION 478.07 Shared Mobility Device Parking

- (A) Shared Mobility Devices may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk, or in any manner that would impede the pedestrian zone of a sidewalk to less than five feet, or in any manner that would impede the opening or closing of automobile doors, or in any manner the exiting or entry to an automobile.
- (B) The City may prohibit the parking of Shared Mobility Devices in certain block faces.
- (C) Shared Mobility Devices may not be parked in a manner that would impede vehicular traffic on a street or alley.
- (D) Shared Mobility Devices shall not be parked in a manner such that access to the following is impeded:
 - (1) ADA handicap parking zones;
 - (2) Street furniture that requires pedestrian access (i.e. benches, parking pay stations, bus shelters, etc.);
 - (3) Curb ramps;
 - (4) Entryways; and
 - (5) Driveways.

- (E) Shared Mobility Devices shall not be parked within:
 - (1) Transit zones, including bus stops, shelters, passenger waiting areas and bus staging zones, except at existing bicycle racks;
 - (2) Loading zones; and
 - (3) Landscape planting beds or other landscape materials, including islands and boulevards.
- (F) The City may require that Shared Mobility Devices be parked within certain designed parking stations or areas within the City, and the City may require that those stations or areas be Geo-fenced (“designated parking areas”).
- (G) Incorrectly parked Shared Mobility Devices shall be moved within 2 hours of notice to the Operator by any means, unless the Shared Mobility Device is creating a public safety hazard at which time the Shared Mobility Device must be moved immediately. Such notice to the Operator may be made by any individual or entity.
- (H) The City may immediately remove and impound, in accordance with Section 478.05(F) of this Chapter, a Shared Mobility Device from the Rights of Way if it is found to be a safety hazard or is found to be in violation of any part of this Chapter.

SECTION 478.08 Safety Requirements

- (A) All bicycles used in Shared Mobility Device Programs issued a Program Permit under this Chapter shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512—Requirements for Bicycles. Additionally, permitted Shared Mobility Device Programs shall meet the safety standards outlined in the International Organization for Standardization (ISO) Section 43.150—Cycles, subsection 4210.
- (B) All electric bicycles used in Shared Mobility Device Programs issued a Program Permit under this Chapter shall meet the Consumer Product Safety Act definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles described in subsection (A). This means, among other requirements, that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Additionally, the City may terminate any Program Permit issued if the battery or motor on an electric bicycle is determined by the City to be unsafe for public use.
- (C) All electric bicycles used in Shared Mobility Device Programs issued a Program Permit under this ordinance shall meet the requirements of Section 4511.522 of the Ohio Revised Code.
- (D) All electric scooters used in Shared Mobility Device Programs issued a Program Permit under this Chapter shall meet the Consumer Product Safety Act definition of electric scooters, in addition to requirements provided by the City's definition for electric scooters as defined in Section 478.02.
- (E) All Shared Mobility Devices shall meet City's requirements for lights during hours of darkness, including a front light that emits white light and a rear red light as described in Section 474.05(a) of this Code and all other applicable requirements of City and state law.
- (F) All Shared Mobility Devices used in Shared Mobility Device Programs issued a Program Permit under this Chapter shall meet the requirements of Section 4511.711 of the Ohio Revised Code.
- (G) All permitted Shared Mobility Device Programs shall have visible language located via signage on the Shared Mobility Device and on the mobile payment application to rent the Shared Mobility Device that notifies the User that:
 - (1) Helmet use is encouraged while riding a Shared Mobility Device;
 - (2) Users of class 2 electric bicycles and electric scooters shall yield to bicycles in bike lanes;
 - (3) Users of Shared Mobility Devices, including e-scooters, shall follow Section 474 of this Code and Section 4511.711 of the Ohio Revised Code;

- (4) Whenever any person is riding a Shared Mobility Device upon a sidewalk, the rider must disengage the motor, and such person shall yield the Rights of Way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian;
- (5) No person shall ride a Shared Mobility Device upon a sidewalk within a business district where such sidewalk extends from store front to curb; and
- (6) When riding on-street, Shared Mobility Devices shall follow all posted traffic signs and signals.

SECTION 478.09 Distribution

- (A) If an Operator has over 150 Shared Mobility Devices, at least 20 percent shall be rebalanced once per day to be located in underserved areas of the City, as determined by City staff.
- (B) All Operators shall provide the City with a plan for equitable Shared Mobility Device sharing service, including: education of, marketing to, and engagement with low-income, minority, non-English speaking, and zero-car populations. The plan should address such topics as how to use Shared Mobility Device Programs, Shared Mobility Device safety, and Shared Mobility Device laws and regulations.
- (C) All Operators shall provide information on how Users can use the Shared Mobility Device Program without (1) a smartphone; and/or (2) a credit or debit card.

SECTION 478.10 Geo-fencing

- (A) The City shall maintain a list of areas of the City that are Geo-fenced. Geo-fencing may include streets, sidewalks, paths, parks, campuses, and other areas of the City. Operators shall make the necessary adjustments to their Shared Mobility Devices and Shared Mobility Device Programs to account for Geo-fenced areas so that Users are notified of all Geo-fenced locations.
- (B) During temporary street or other Rights of Way closures due to scheduled construction, special events, or other planned activities the City shall provide Operators with at least 21-day notice of the change in order to establish temporary Geo-fenced areas. In order to protect the public health, safety, and welfare during an emergency, the City may require Operators to immediately establish temporary Geo-fenced areas.
- (C) Operators shall make all necessary adjustments to their Shared Mobility Device Programs and Shared Mobility Devices to ensure that the Operator's Shared Mobility Devices become inoperable when entering a Geo-fenced area.

SECTION 478.11 Data, Statistics, and Reporting

- (A) All Operators must include active location tracking capabilities on each Shared Mobility Device to ensure the easy location of all Shared Mobility Devices, as well as to facilitate data collection and data sharing as outlined in this Section.
- (B) All Operators will provide Users with a privacy policy that safeguards Users' personal, financial, and travel information and usage, including but not limited to trip origination and destination data.
- (C) All Operators shall maintain a record of maintenance activities, including but not limited to Shared Mobility Device identification number and maintenance records. These records shall be made available to the City upon request.
- (D) All Operators shall provide the City, or a third-party researcher designated by the City, the following data on a monthly basis in a format approved by the City:
 - (1) Aggregated breakdown of Users by gender and age;
 - (2) The number of Shared Mobility Devices in circulation;
 - (3) Daily, weekly and monthly active Users;
 - (4) Shared Mobility Device usage, including:

- (a) Total User miles, broken out daily, monthly, quarterly, and annually; and
 - (b) The number and duration of rides per User per day, as well as the number of rides per Shared Mobility Device per day.
- (5) Anonymized aggregated data taken by the Operator's Shared Mobility Devices in the form of heat maps showing routes, trends, origins, and destinations;
 - (6) Anonymized trip data taken by the Operator's Shared Mobility Devices that includes the origin and destination, trip duration, and date and time of trip;
 - (7) Customer comments/complaints and resolution, theft/vandalism, and average repair times; and
 - (8) Reported collisions.
- (E) All Operators shall provide the City with anonymous real-time data (information that is delivered immediately after collection) on the availability and location of the entire Operator fleet in the City upon request.
 - (F) All Operators shall conduct qualitative surveys, developed collaboratively between the City and Operator, after the first six months of operation, and then annually after the first six-month survey.

SECTION 478.12 Insurance and Indemnification

- (A) All Operators shall continuously maintain throughout the entire term of the Program Permit general commercial liability insurance that covers the operation of Operator's Shared Mobility Device Program with a minimum liability limit of \$1,000,000.00, listing the City as additionally insured, and issued by an insurance company licensed to do business in Ohio, and any additional insurance requirements as specified in the Program Permit Application.
- (B) Prior to the Program Permit being issued, all applicants shall sign an agreement indemnifying and holding harmless the City as outlined in the Shared Mobility Device Program Permit.
- (C) All Operators shall provide the City with a surety bond or an irrevocable, unconditional letter of credit in accordance with the requirements of Chapter 901.121 of this Code.
- (D) All Operators shall agree that the City is not responsible for educating Users regarding safety requirements and other laws, nor is the City responsible for educating Users on how to ride or operate a Shared Mobility Device. Operators agree to educate Users regarding laws applicable to riding and operating a Shared Mobility Device in the City and to instruct Users to comply with applicable laws pertaining to Shared Mobility Devices.

SECTION 478.13 Termination, Suspension, and Revocation

- (A) Termination of Program Permit. The City may, for cause or convenience in its sole discretion, terminate a Program Permit by providing the Operator with a notice of termination. If a Program Permit is terminated then the Operator must remove all Shared Mobility Devices and all equipment and infrastructure related to the Shared Mobility Device Program from the Rights of Way within seven (7) days of the notice of termination. If the Shared Mobility Devices and related equipment and infrastructure are not removed in accordance with the notice of termination, the City may impound the Shared Mobility Devices and all related equipment and infrastructure pursuant to the provisions of this Chapter.
- (B) Suspension of Program Permit. The City may suspend a Program Permit if the City determines that the Operator has failed to comply with Sections 478.05 or 478.07 of this Chapter. The City may suspend a Program Permit for any other municipal purpose to protect the public health, safety, or welfare. A suspension of a Program Permit will not extend or alter the expiration date of the Program Permit.
- (C) Revocation of Program Permit. The City may revoke a Program Permit if it determines:
 - (1) The Operator, or their agents or employees made a false statement in the Program Permit Application;
 - (2) The Operator has diminished, failed to maintain, or altered the insurance required under this Chapter;

- (3) The Operator has diminished, failed to maintain, or altered the performance bond or letter of credit required by this Chapter;
- (4) The Operator has failed to pay a fee or fees as required by this Chapter; or
- (5) The Operator, to the satisfaction of the City, has not adequately responded to issues or concerns of which the Operator has received notice.

If a Program Permit is revoked by the City, the Operator and any person with a twenty percent (20%) or larger interest in the Operator, shall not be eligible for another Program Permit for a period of up to two years.

SECTION 478.14 Appeal

Any applicant who is denied a Program Permit, or an Operator whose Program Permit is terminated, suspended, or revoked as outlined in Section 478.13, may appeal, or request a review or reconsideration of that Program Permit decision. An appeal of a Program Permit decision may be made to the City of Kettering Business License Review Board, under Section 711.16 of this Code, by submitting the notice of termination, suspension, or revocation or Program Permit denial as well as a request for the appeal, in writing, within ten calendar days of the original Program Permit decision. The request must include:

- (1) The Program Permit Application that is up for review or reconsideration. The Program Permit may be identified by its identification number and the Program Permit Application address;
- (2) The specific objections to the original City decision;
- (3) The specific actions being proposed by the Operator that could change the Program Permit decision; and
- (4) Any fee required to process the appeal as established in the fee schedule maintained by City's Engineering 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,
2022**

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, 2022.

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 _____ 2021.

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 THE CITY MANAGER TO CONTRACT WITH
THE MIAMI VALLEY FAIR HOUSING CENTER FOR
OPERATION OF THE CITY'S FAIR HOUSING PROGRAM**

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

Section 1. Pursuant to Subsection "I" of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager is authorized to enter into a one-year agreement with the Miami Valley Fair Housing Center for operation of the City's fair housing program. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. 1. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$34,000.00
Funds Available: \$34,000.00
Acct. No. 3830-72550

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO ENTER INTO AND IMPLEMENT ONE OR MORE MUTUAL COOPERATION AGREEMENTS WITH DAY AIR CREDIT UNION FOR PROGRAMS SUPPORTING AFFORDABLE AND SUSTAINABLE HOMEOWNERSHIP AND HOME IMPROVEMENTS IN KETTERING; AND AUTHORIZING THE EXPENDITURE OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS ON PROGRAMS THAT HELP MITIGATE FINANCIAL HARDSHIPS EXACERBATED BY THE COVID-19 PANDEMIC

WHEREAS, the City of Kettering is the recipient of Coronavirus State and Local Fiscal Recovery Funds ("ARPA Funds") and, in accordance with the U.S. Department of the Treasury's Interim Final Rule and available guidance, wishes to use a portion of those funds to help mitigate financial hardships exacerbated by the COVID-19 pandemic and promote the general welfare for Kettering residents, including, without limitation, a first time homeowner program and a home improvement assistance program; and

WHEREAS, Day Air Credit Union, was awarded Rapid Response Program Grant money by the U.S. Department of the Treasury to respond to economic challenges created by the COVID-19 pandemic and invest in underserved communities; and

WHEREAS, Kettering and Day Air Credit Union desire to work together to help mitigate and respond to the financial hardships created or exacerbated by the COVID-19 pandemic and provide affordable and sustainable homeownership and home improvement opportunities in Kettering for qualifying individuals through a first time homeowner program and home improvement assistance program;

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

Section 1. The City Manager is authorized to enter into one or more mutual cooperation agreements with Day Air Credit Union for programs to help mitigate financial hardships exacerbated by the COVID-19 pandemic and promote the general welfare for Kettering residents, including, without limitation, a first time homeowner program and a home improvement assistance program which will support affordable and sustainable homeownership and home improvements in Kettering for qualifying individuals. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. An expenditure of ARPA Funds on programs that help mitigate financial hardships exacerbated by the COVID-19 pandemic, such as a first time homeowner program and a home improvement assistance program, is authorized.

Section 3. As provided in Section 4-8 of the City Charter, this Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____, 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$1,000,000.00
Funds Available: \$0
Account No.: ARPA Fund

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021

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

Section 1. To provide for the current expenses and other expenditures of the City of Kettering during the fiscal year ending December 31, 2021, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

TRANSFERS TO OTHER FUNDS	
State Highway Fund	\$ 40,000.00

B. From the State Highway Construction and Maintenance Fund:

Street Surfacing	\$ 90,000.00
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C. From the American Rescue Plan Act Fund:

Operating Expenses	\$ 1,000,000.00
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Section 2. The Director of Finance is authorized to adjust appropriations within any fund or department as long as the adjustments made do not exceed the total appropriation authorized within that fund or department.

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

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

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$1,090,000.00 Net Transfers
Amount Budgeted: \$0
Acct. No. Various

(Requested by: Finance Department)

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 4365-21.

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

Article I. TABLE OF ORGANIZATION AND POSITION CLASSIFICATION PLAN.

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

<u>NAME OF OFFICE, DEPARTMENT OR DIVISION</u>	<u>PAY GRADE</u>
A. <u>OFFICE OF THE CITY MANAGER</u>	
<u>Regular Full-Time Positions</u>	
1 City Manager	Reference Section 208
2 Assistant City Manager (Reference Section 208)	724
1 Community Information Manager	707 thru 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
B. <u>DEPARTMENT OF LAW</u>	
<u>Regular Full-Time Positions</u>	
1 Law Director	724
1 Assistant Law Director	713 thru 721
*1 Prosecuting Attorney II	714 thru 719
*1 Prosecuting Attorney I	705 thru 715
1 Secretary I or II	104 or 106
3 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
 * Clerk 850 thru 856

Part-Time Intermittent/Temporary Positions
 * 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

Part-Time Intermittent/Temporary Positions
 * Human Resource Aide 810 thru 812

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 813 thru 815
 * Finance Aide 810 thru 812
 * 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 813
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2. Information Systems Division

Regular Full-Time Positions

1	Information System Manager	714 thru 718
2	Information System Technician	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 813
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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 812
*	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 813
*	Planning and Development Technician	810 thru 811
*	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 812
*	Clerk	810

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

*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.

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

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

* Aide	810 thru 811
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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)	605
(Appointed on or after 9/23/13)	605-1
57 Firefighter I, II, III	401, 402 or 403
(with Paramedic Certification)	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

* Part-Time Firefighter	Reference Section 210
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3. Public Safety Dispatch

Regular Full-Time Positions

1 Civilian Dispatch Supervisor	710
17 Public Safety Dispatcher	80 thru 82

Regular Part-Time Positions

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

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

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

* Engineering Aide II	814 thru 815
* Engineering Aide I	810 thru 813
* Clerk	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

Regular Part-Time Positions

* Clerk	850 thru 856
* Maintenance Aide	850 thru 853

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

*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 Full-Time Positions (continued)

1 Traffic Control III 206 thru 208

Regular Part-Time Positions

* Clerk 850 thru 856
* Maintenance Aide 850 thru 853

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

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 V 812 thru 832
* Program Specialist IV 811/05 thru 813
* Program Specialist III 811/02 thru 812
* Program Specialist II 810/04 thru 811
* Program Specialist I 810

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

M. OFFICE OF CLERK OF COUNCIL

Regular Full-Time Positions

1 Clerk of Council 104 thru 106

Regular Part-Time Positions

* Administrative Aide 854 thru 862
* Clerk 850 thru 856

N. 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.

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 / 1</u>	<u>B / 2</u>	<u>C / 3</u>	<u>D / 4</u>	<u>E / 5</u>	<u>F / 6</u>
3	Hour	\$21.65	\$22.79	\$23.81	\$25.15	\$26.39	\$28.23
	Year	45,032	47,403	49,525	52,312	54,891	58,718
4	Hour	\$22.79	\$23.81	\$25.15	\$26.39	\$27.80	\$29.79
	Year	47,403	49,525	52,312	54,891	57,824	61,963
5	Hour	\$23.81	\$25.15	\$26.39	\$27.80	\$29.05	\$30.86
	Year	49,525	52,312	54,891	57,824	60,424	64,189
6	Hour	\$25.15	\$26.39	\$27.80	\$29.05	\$30.40	\$32.37
	Year	52,312	54,891	57,824	60,424	63,232	67,330
7	Hour	\$26.39	\$27.80	\$29.05	\$30.40	\$31.93	\$34.08
	Year	54,891	57,824	60,424	63,232	66,414	70,886
8	Hour	\$27.80	\$29.05	\$30.40	\$31.93	\$33.66	\$35.59
	Year	57,824	60,424	63,232	66,414	70,013	74,027
9	Hour	\$29.05	\$30.40	\$31.93	\$33.66	\$35.19	\$37.39
	Year	60,424	63,232	66,414	70,013	73,195	77,771
10	Hour	\$30.40	\$31.93	\$33.66	\$35.19	\$37.07	\$39.26
	Year	63,232	66,414	70,013	73,195	77,106	81,661
11	Hour	\$31.93	\$33.66	\$35.19	\$37.07	\$38.89	\$41.17
	Year	66,414	70,013	73,195	77,106	80,891	85,634
12	Hour	\$33.66	\$35.19	\$37.07	\$38.89	\$40.82	\$43.19
	Year	70,013	73,195	77,106	80,891	84,906	89,835
13	Hour	\$35.19	\$37.07	\$38.89	\$40.82	\$42.85	\$45.20
	Year	73,195	77,106	80,891	84,906	89,128	94,016

**NOTE: Rates in the above Pay Table are effective from and after 12/20/2021.*

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 / 1</u>	<u>B / 2</u>	<u>C / 3</u>	<u>D / 4</u>	<u>E / 5</u>
50	Hour	\$17.99	\$18.36	\$18.66	\$18.99	\$19.41
	Year	37,419	38,189	38,813	39,499	40,373
51	Hour	\$18.99	\$19.41	\$19.76	\$20.05	\$20.41
	Year	39,499	40,373	41,101	41,704	42,453
52	Hour	\$20.05	\$20.41	\$20.77	\$21.04	\$21.47
	Year	41,704	42,453	43,202	43,763	44,658
53	Hour	\$21.47	\$21.73	\$22.21	\$22.49	\$22.84
	Year	44,658	45,198	46,197	46,779	47,507
54	Hour	\$22.49	\$22.84	\$23.21	\$23.55	\$23.86
	Year	46,779	47,507	48,277	48,984	49,629

NOTE: Rates in the above Pay Table are effective from and after 12/20/2021.

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	\$27.09	\$28.33	\$29.65	\$31.16	\$32.82	\$34.71

	Year	56,347	58,926	61,672	64,813	68,266	72,197
81	Hour				\$31.59	\$33.27	\$35.19
	Year				65,707	69,202	73,195
82	Hour				\$32.04	\$33.75	\$35.69
	Year				66,643	70,200	74,235

NOTE: Rates in the above Pay Table are effective from and after 05/24/2021.

<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	\$27.77	\$29.04	\$30.39	\$31.94	\$33.64	\$35.58
	Year	57,762	60,403	63,211	66,435	69,971	74,006
81	Hour				\$32.38	\$34.10	\$36.07
	Year				67,350	70,928	75,026
82	Hour				\$32.84	\$34.59	\$36.58
	Year				68,307	71,947	76,086

NOTE: Rates in the above Pay Table are effective from and after 05/23/2022.

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.

<u>STEP RATES</u>							
<u>PAY GRADE</u>	<u>BASIS</u>	<u>A / 1</u>	<u>B / 2</u>	<u>C / 3</u>	<u>D / 4</u>	<u>E / 5</u>	<u>F / 6</u>
100	Hour	\$19.35	\$20.45	\$21.35	\$22.39	\$23.59	\$25.15
	Year	40,248	42,536	44,408	46,571	49,067	52,312
101	Hour	\$20.45	\$21.35	\$22.39	\$23.59	\$24.69	\$26.39
	Year	42,536	44,408	46,571	49,067	51,355	54,891
102	Hour	\$21.35	\$22.39	\$23.59	\$24.69	\$26.01	\$27.82
	Year	44,408	46,571	49,067	51,355	54,101	57,866
103	Hour	\$22.39	\$23.59	\$24.69	\$26.01	\$27.29	\$29.05
	Year	46,571	49,067	51,355	54,101	56,763	60,424
104	Hour	\$23.59	\$24.69	\$26.01	\$27.29	\$28.60	\$30.29
	Year	49,067	51,355	54,101	56,763	59,488	63,003
105	Hour	\$24.69	\$26.01	\$27.29	\$28.60	\$30.08	\$31.83
	Year	51,355	54,101	56,763	59,488	62,566	66,206
106	Hour	\$26.01	\$27.29	\$28.60	\$30.08	\$31.55	\$33.45
	Year	54,101	56,763	59,488	62,566	65,624	69,576
107	Hour	\$27.29	\$28.60	\$30.08	\$31.55	\$33.14	\$35.02
	Year	56,763	59,488	62,566	65,624	68,931	72,842
108	Hour	\$28.60	\$30.08	\$31.55	\$33.14	\$34.74	\$36.65
	Year	59,488	62,566	65,624	68,931	72,259	76,232
109	Hour	\$30.08	\$31.55	\$33.14	\$34.74	\$36.48	\$38.59
	Year	62,566	65,624	68,931	72,259	75,878	80,267

110	Hour	\$31.55	\$33.14	\$34.74	\$36.48	\$38.34	\$40.56
	Year	65,624	68,931	72,259	75,878	79,747	84,365
111	Hour	\$33.14	\$34.74	\$36.48	\$38.34	\$40.28	\$42.29
	Year	68,931	72,259	75,878	79,747	83,782	87,963
112	Hour	\$34.74	\$36.48	\$38.34	\$40.28	\$42.29	\$44.35
	Year	72,259	75,878	79,747	83,782	87,963	92,248

NOTE: Rates in the above Pay Table are effective from and after 12/20/2021.

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 / 1	B / 2	C / 3	D / 4	E / 5	F / 6
200	Hour	\$20.09	\$20.99	\$21.94	\$22.93	\$23.96	\$25.04
	Year	41,787	43,659	45,635	47,694	49,837	52,083
201	Hour	\$20.99	\$21.94	\$22.93	\$23.96	\$25.04	\$26.16
	Year	43,659	45,635	47,694	49,837	52,083	54,413
202	Hour	\$21.94	\$22.93	\$23.96	\$25.04	\$26.16	\$27.33
	Year	45,635	47,694	49,837	52,083	54,413	56,846
203	Hour	\$22.93	\$23.96	\$25.04	\$26.16	\$27.33	\$28.59
	Year	47,694	49,837	52,083	54,413	56,846	59,467
204	Hour	\$23.96	\$25.04	\$26.16	\$27.33	\$28.59	\$29.86
	Year	49,837	52,083	54,413	56,846	59,467	62,109
205	Hour	\$25.04	\$26.16	\$27.33	\$28.59	\$29.86	\$31.20
	Year	52,083	54,413	56,846	59,467	62,109	64,896
206	Hour	\$26.16	\$27.33	\$28.59	\$29.86	\$31.20	\$32.60
	Year	54,413	56,846	59,467	62,109	64,896	67,808
207	Hour	\$27.33	\$28.59	\$29.86	\$31.20	\$32.60	\$34.07
	Year	56,846	59,467	62,109	64,896	67,808	70,866
208	Hour	\$28.59	\$29.86	\$31.20	\$32.60	\$34.07	\$35.60
	Year	59,467	62,109	64,896	67,808	70,866	74,048
209	Hour	\$29.86	\$31.20	\$32.60	\$34.07	\$35.60	\$37.20
	Year	62,109	64,896	67,808	70,866	74,048	77,376
210	Hour	\$31.20	\$32.60	\$34.07	\$35.60	\$37.20	\$38.87
	Year	64,896	67,808	70,866	74,048	77,376	80,850
211	Hour	\$32.60	\$34.07	\$35.60	\$37.20	\$38.87	\$40.63
	Year	67,808	70,866	74,048	77,376	80,850	84,510

NOTE: Rates in the above Pay Table are effective from and after 03/01/21.

*Step "A" only applies to hires after 2/19/1996.

PAY GRADE	BASIS	*A / 1	B / 2	C / 3	D / 4	E / 5	F / 6
200	Hour	\$20.59	\$21.51	\$22.49	\$23.50	\$24.56	\$25.67
	Year	42,827	44,741	46,779	48,880	51,085	53,394
201	Hour	\$21.51	\$22.49	\$23.50	\$24.56	\$25.67	\$26.81
	Year	44,741	46,779	48,880	51,085	53,394	55,765
202	Hour	\$22.49	\$23.50	\$24.56	\$25.67	\$26.81	\$28.01
	Year	46,779	48,880	51,085	53,394	55,765	58,261
203	Hour	\$23.50	\$24.56	\$25.67	\$26.81	\$28.01	\$29.30
	Year	48,880	51,085	53,394	55,765	58,261	60,944
204	Hour	\$24.56	\$25.67	\$26.81	\$28.01	\$29.30	\$30.61
	Year	51,085	53,394	55,765	58,261	60,944	63,669
205	Hour	\$25.67	\$26.81	\$28.01	\$29.30	\$30.61	\$31.98
	Year	53,394	55,765	58,261	60,944	63,669	66,518
206	Hour	\$26.81	\$28.01	\$29.30	\$30.61	\$31.98	\$33.42
	Year	55,765	58,261	60,944	63,669	66,518	69,514
207	Hour	\$28.01	\$29.30	\$30.61	\$31.98	\$33.42	\$34.92
	Year	58,261	60,944	63,669	66,518	69,514	72,634
208	Hour	\$29.30	\$30.61	\$31.98	\$33.42	\$34.92	\$36.49
	Year	60,944	63,669	66,518	69,514	72,634	75,899
209	Hour	\$30.61	\$31.98	\$33.42	\$34.92	\$36.49	\$38.13
	Year	63,669	66,518	69,514	72,634	75,899	79,310
210	Hour	\$31.98	\$33.42	\$34.92	\$36.49	\$38.13	\$39.84
	Year	66,518	69,514	72,634	75,899	79,310	82,867
211	Hour	\$33.42	\$34.92	\$36.49	\$38.13	\$39.84	\$41.65
	Year	69,514	72,634	75,899	79,310	82,867	86,632

NOTE: Rates in the above Pay Table are effective from and after 02/28/22.

*Step "A" only applies to hires after 2/19/1996.

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

PAY		A / 1	B / 2	C / 3	D / 4	E / 5	F / 6	G / 7
GRADE	BASIS							
304	Hour	\$ 34.09	\$ 35.61	\$ 37.21	\$ 38.80	\$ 40.34	\$ 42.83	\$ 44.71
	Year	70,907	74,069	77,397	80,704	83,907	89,086	92,997
*305	Hour				\$ 39.33	\$ 40.89	\$ 43.48	\$ 45.37
	Year				81,806	85,051	90,438	94,370
*306	Hour				\$ 39.89	\$ 41.52	\$ 44.16	\$ 46.04
	Year				82,971	86,362	91,853	95,763

*NOTE: Rates in the above Pay Table are effective from and after 02/15/21.
An Educational Incentive is incorporated into Pay Grades 305 and 306.

PAY		A / 1	B / 2	C / 3	D / 4	E / 5	F / 6	G / 7
GRADE	BASIS							
304	Hour	\$ 34.94	\$ 36.50	\$ 38.14	\$ 39.77	\$ 41.35	\$ 43.90	\$ 45.83
	Year	72,675	75,920	79,331	82,722	86,008	91,312	95,326
*305	Hour				\$ 40.31	\$ 41.91	\$ 44.57	\$ 46.50
	Year				83,845	87,173	92,706	96,720
*306	Hour				\$ 40.89	\$ 42.56	\$ 45.26	\$ 47.19
	Year				85,051	88,525	94,141	98,155

*NOTE: Rates in the above Pay Table are effective from and after 02/14/22.
An Educational Incentive is incorporated into Pay Grades 305 and 306.

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

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
401	Hour (56 hr week sched)	\$24.19	\$25.20	
	Hour (40 hr week sched)	33.86	35.28	
	Year	70,429	73,382	
402	Hour (56 hr week sched)	\$26.35	\$27.43	
	Hour (40 hr week sched)	36.89	38.40	
	Year	76,731	79,872	
403	Hour (56 hr week sched)	\$28.59	\$30.07	\$31.75
	Hour (40 hr week sched)	40.02	42.10	44.45
	Year	83,242	87,568	92,456
<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
404	Hour (56 hr week sched)	\$24.91	\$25.96	
	Hour (40 hr week sched)	34.88	36.34	
	Year	72,550	75,587	
405	Hour (56 hr week sched)	\$27.14	\$28.25	
	Hour (40 hr week sched)	38.00	39.55	
	Year	79,040	82,264	
406	Hour (56 hr week sched)	\$29.44	\$30.97	\$32.70
	Hour (40 hr week sched)	41.22	43.36	45.78
	Year	85,738	90,189	95,222

NOTE: Rates in the above Pay Table are effective from and after 12/20/21.

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 GRADE</u>	<u>BASIS</u>	<u>A / 1</u>	<u>B / 2</u>
504	Hour	\$51.25	\$52.55
	Year	106,600	109,304
505	Hour	\$55.16	\$56.50
	Year	114,733	117,520

NOTE: Rates in the above Pay Table are effective from and after 12/20/21.

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

The following pay tables prescribe the basic annual rates of pay for position of Fire Captain. The shown hourly rates are not controlling but are based on a 40-hour workweek schedule for comparison purposes only. 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 Captains enter each Pay Grade at Step A.

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

Step rate increases to 605 C and D or 605-1 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 or 605-1 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.

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

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

PAY GRADE	BASIS	A / 1	B / 2	C / 3	D / 4
605	Hour (56-hr. week schedule)	\$36.19	\$37.09	\$37.95	\$38.93
	Hour (40-hr. week schedule)	\$50.67	\$51.93	\$53.13	\$54.50
	Year	105,394	108,014	110,510	113,360

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:

PAY GRADE	BASIS	A / 1	B / 2	C / 3	D / 4
605-1	Hour (56-hr. week schedule)	\$35.29	\$36.29	\$36.74	\$37.20
	Hour (40-hr. week schedule)	\$49.41	\$50.80	\$51.43	\$52.08
	Year	102,773	105,664	106,974	108,326

NOTE: Rates in the above Pay Table are effective from and after 12/20/21.

Section 206-a. PAY SCHEDULES FOR POSITIONS IN PAY GRADES 606.

The following pay tables prescribe the basic annual rates of pay for positions of Fire Battalion Chief. The shown hourly rates are not controlling but are based on a 40-hour workweek schedule for comparison purposes only. Fire Battalion Chiefs 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 enter each Pay Grade at Step A.

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

Step rate increases to 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 606 may be granted by the City Manager based upon the employee's performance and development.

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

STEP RATES

PAY GRADE	BASIS	A / 1	B / 2	C / 3	D / 4
606	Hour (56-hr. week schedule)	\$38.53	\$39.01	\$39.52	\$40.36
	Hour (40-hr. week schedule)	\$53.94	\$54.62	\$55.33	\$56.51
	Year	112,195	113,610	115,086	117,541

NOTE: Rates in the above Pay Table are effective from and after 12/20/21.

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	\$30.86	714	Hour	\$47.44
	Year	64,189		Year	98,675
706	Hour	\$32.37	715	Hour	\$49.97
	Year	67,330		Year	103,938
707	Hour	\$33.68	716	Hour	\$52.36
	Year	70,054		Year	108,909
708	Hour	\$35.59	717	Hour	\$54.90
	Year	74,027		Year	114,192
709	Hour	\$37.39	718	Hour	\$57.61
	Year	77,771		Year	119,829
710	Hour	\$39.26	719	Hour	\$60.49
	Year	81,661		Year	125,819
711	Hour	\$41.17	720	Hour	\$63.45
	Year	85,634		Year	131,976
712	Hour	\$43.19	721	Hour	\$66.65
	Year	89,835		Year	138,632
713	Hour	\$45.20	722	Hour	\$69.96
	Year	94,016		Year	145,517
			724	Hour	\$77.08
				Year	160,326

NOTE: Rates in the above Pay Table are effective from and after 12/20/21.

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 20, 2021, the City Manager shall be paid an annual base salary of \$196,393.60, as calculated from an "hourly base rate" of \$94.42 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												
		1	2	3	4	5	6	7	8	9	10	11	12	13
810	HOUR	\$10.50	\$10.65	\$10.80	\$10.95	\$11.10	\$11.25	\$11.40	\$11.55	\$11.70	\$11.85	\$12.00	\$12.15	\$12.30
811	HOUR	\$11.25	\$11.40	\$11.55	\$11.70	\$11.85	\$12.00	\$12.15	\$12.30	\$12.45	\$12.60	\$12.75	\$12.90	\$13.05
812	HOUR	\$12.00	\$12.15	\$12.30	\$12.45	\$12.60	\$12.75	\$12.90	\$13.05	\$13.20	\$13.35	\$13.50	\$13.65	\$13.80
813	HOUR	\$12.75	\$12.90	\$13.05	\$13.20	\$13.35	\$13.50	\$13.65	\$13.80	\$13.95	\$14.10	\$14.25	\$14.40	\$14.55
814	HOUR	\$13.50	\$13.65	\$13.80	\$13.95	\$14.10	\$14.25	\$14.40	\$14.55	\$14.70	\$14.85	\$15.00	\$15.15	\$15.30
815	HOUR	\$14.25	\$14.40	\$14.55	\$14.70	\$14.85	\$15.00	\$15.15	\$15.30	\$15.45	\$15.60	\$15.75	\$15.90	\$16.05
816	HOUR	\$15.00	\$15.15	\$15.30	\$15.45	\$15.60	\$15.75	\$15.90	\$16.05	\$16.20	\$16.35	\$16.50	\$16.65	\$16.80
817	HOUR	\$15.75	\$15.90	\$16.05	\$16.20	\$16.35	\$16.50	\$16.65	\$16.80	\$16.95	\$17.10	\$17.25	\$17.40	\$17.55
818	HOUR	\$16.50	\$16.65	\$16.80	\$16.95	\$17.10	\$17.25	\$17.40	\$17.55	\$17.70	\$17.85	\$18.00	\$18.15	\$18.30
819	HOUR	\$17.25	\$17.40	\$17.55	\$17.70	\$17.85	\$18.00	\$18.15	\$18.30	\$18.45	\$18.60	\$18.75	\$18.90	\$19.05
820	HOUR	\$18.00	\$18.15	\$18.30	\$18.45	\$18.60	\$18.75	\$18.90	\$19.05	\$19.20	\$19.35	\$19.50	\$19.65	\$19.80
821	HOUR	\$18.75	\$18.90	\$19.05	\$19.20	\$19.35	\$19.50	\$19.65	\$19.80	\$19.95	\$20.10	\$20.25	\$20.40	\$20.55
822	HOUR	\$19.50	\$19.65	\$19.80	\$19.95	\$20.10	\$20.25	\$20.40	\$20.55	\$20.70	\$20.85	\$21.00	\$21.15	\$21.30
823	HOUR	\$20.25	\$20.40	\$20.55	\$20.70	\$20.85	\$21.00	\$21.15	\$21.30	\$21.45	\$21.60	\$21.75	\$21.90	\$22.05
824	HOUR	\$21.00	\$21.15	\$21.30	\$21.45	\$21.60	\$21.75	\$21.90	\$22.05	\$22.20	\$22.35	\$22.50	\$22.65	\$22.80
825	HOUR	\$21.75	\$21.90	\$22.05	\$22.20	\$22.35	\$22.50	\$22.65	\$22.80	\$22.95	\$23.10	\$23.25	\$23.40	\$23.55
826	HOUR	\$22.50	\$22.65	\$22.80	\$22.95	\$23.10	\$23.25	\$23.40	\$23.55	\$23.70	\$23.85	\$24.00	\$24.15	\$24.30
827	HOUR	\$23.25	\$23.40	\$23.55	\$23.70	\$23.85	\$24.00	\$24.15	\$24.30	\$24.45	\$24.60	\$24.75	\$24.90	\$25.05
828	HOUR	\$24.00	\$24.15	\$24.30	\$24.45	\$24.60	\$24.75	\$24.90	\$25.05	\$25.20	\$25.35	\$25.50	\$25.65	\$25.80
829	HOUR	\$24.75	\$24.90	\$25.05	\$25.20	\$25.35	\$25.50	\$25.65	\$25.80	\$25.95	\$26.10	\$26.25	\$26.40	\$26.55
830	HOUR	\$25.50	\$25.65	\$25.80	\$25.95	\$26.10	\$26.25	\$26.40	\$26.55	\$26.70	\$26.85	\$27.00	\$27.15	\$27.30
831	HOUR	\$26.25	\$26.40	\$26.55	\$26.70	\$26.85	\$27.00	\$27.15	\$27.30	\$27.45	\$27.60	\$27.75	\$27.90	\$28.05
832	HOUR	\$27.00	\$27.15	\$27.30	\$27.45	\$27.60	\$27.75	\$27.90	\$28.05	\$28.20	\$28.35	\$28.50	\$28.65	\$28.80
833	HOUR	\$27.75	\$27.90	\$28.05	\$28.20	\$28.35	\$28.50	\$28.65	\$28.80	\$28.95	\$29.10	\$29.25	\$29.40	\$29.55

NOTE: Rates in the above Pay Table are effective from and after 12/20/21.

B. PAY TABLES FOR REGULAR PART-TIME POSITIONS

STEP RATES

PAY GRADE	BASIS	A/1	B/2	C/3	D/4	E/5
850	HOUR	\$13.80	\$14.10	\$14.50	\$14.86	\$15.15
851	HOUR	\$14.86	\$15.15	\$15.51	\$15.89	\$16.31
852	HOUR	\$15.89	\$16.31	\$16.52	\$16.94	\$17.28
853	HOUR	\$16.94	\$17.28	\$17.61	\$17.99	\$18.36
854	HOUR	\$17.99	\$18.36	\$18.66	\$18.99	\$19.41
855	HOUR	\$18.99	\$19.41	\$19.76	\$20.05	\$20.41
856	HOUR	\$20.05	\$20.41	\$20.77	\$21.04	\$21.47
857	HOUR	\$21.47	\$21.73	\$22.21	\$22.49	\$22.84
858	HOUR	\$22.49	\$22.84	\$23.21	\$23.55	\$23.86
859	HOUR	\$23.55	\$23.86	\$24.25	\$24.56	\$24.97
860	HOUR	\$24.56	\$24.97	\$25.30	\$25.56	\$25.99
861	HOUR	\$25.56	\$25.99	\$26.36	\$26.74	\$27.01
862	HOUR	\$26.74	\$27.01	\$27.36	\$27.80	\$28.11

NOTE: Rates in the above Pay Table are effective from and after 12/20/21.

Section 210. 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, 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 211. 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 211 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 212. 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, 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 213. 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. ADMINISTRATIVE LEAVE

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 eleven (11) 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
Juneteenth	
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 eleven (11) 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 eleven (11) 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 Sections 105, 125 and 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 Sections 105, 125 and 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 20, 2021, unless otherwise provided.

Compensation for the Mayor and other Council Members is controlled by and subject to Section 3-5 of the City Charter and the Codified Ordinances, Chapter 125.

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 24, 2021.

The effective date of computations for pay schedules in Section 202, (Pay Grades 200 through 211), shall be computed from and after March 1, 2021.

The effective date of computations for pay schedules in Section 203, (Pay Grades 304 through 306), shall be computed from and after February 15, 2021.

The effective date of computations for pay schedules in Section 204, (Pay Grades 401 through 406), shall be computed from and after December 20, 2021.

The effective date of computations for pay schedules in Section 205, (Pay Grades 504 and 505), shall be computed from and after December 20, 2021.

The effective date of computations for pay schedules in Section 206 (Pay Grades 605 and 605-1) shall be computed from and after December 20, 2021.

The effective date of computations for pay schedules in Section 206-a., (Pay Grade 606), shall be computed from and after December 20, 2021.

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 20, 2021.

Section 409. ORDINANCES REPEALED.

Ordinance No. 4365-21 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 _____, 2021

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)