



## CITY OF KETTERING

PEGGY LEHNER, MAYOR • JACQUE FISHER, VICE MAYOR  
BRUCE E. DUKE • LISA DUVALL • TONY KLEPACZ • JYL HALL • BOB SCOTT

### KETTERING COUNCIL AGENDA

**December 12, 2023**

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

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

#### **PLEDGE OF ALLEGIANCE**

#### **INVOCATION**

#### **APPROVAL OF MINUTES**

December 5, 2023- Council Meeting & Budget Workshop Minutes

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

#### **PUBLIC HEARINGS**

#### **PUBLIC COMMENT ON LEGISLATION**

(5 Minute Limit per Speaker)

#### **ORDINANCES IN SECOND READING**

1. To provide for the table of organization, position classification plan, compensation plan and pay schedules and rules and regulations pertaining to conditions of work and supplemental benefits for the employees of the City of Kettering, Ohio, and to repeal Ordinance No. 4397-23.

#### **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, 2024.
3. Authorizing the City Manager to accept a Special Projects Grant from the Thomas R. Schiff Foundation.
4. Authorizing the City Manager to contract with Patriot Engineering and Environmental, Inc. for a Phase II Environmental Site Assessment.
5. Authorizing the City Manager to apply for a Safety Grant from the Ohio Bureau of Workers' Compensation.
6. Authorizing the City Manager to contract with Axon Enterprise, Inc. for the purchase of new equipment and services for Kettering Police Department.
7. Authorizing the City Manager to accept and administer a Community Housing Impact and Preservation Program: Lead Abatement Program Grant from the Ohio Department of Development.
8. 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, 2023.
9. To make appropriations for current expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2024.

#### **ORDINANCES IN FIRST READING**

10. To amend various sections of Chapter 192 of the Codified Ordinances regarding income tax and declare an emergency.

## **CERTIFICATIONS AND PETITIONS**

## **MANAGER'S REPORT/COMMUNITY UPDATE**

## **OTHER BUSINESS NOT ON WRITTEN AGENDA**

Audience Participation (5 Minute Limit per Speaker)

## **PROCLAMATIONS**

Bruce Duke Day and Tony Klepacz Day

## **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** **2023**

December 12	4:00 p.m. 7:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
December 14	6:30 p.m.	Sustainability Committee
December 18	7:00 p.m.	Planning Commission
December 25	All Day	Government Center Closed
December 26	All Day	Government Center Closed

### **KETTERING CITY CALENDAR** **2024**

January 1	All Day	Government Center Closed
January 8	7:00 p.m.	Board of Zoning Appeals
January 9	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

**CITY OF KETTERING, OHIO**

**AN ORDINANCE**

By:

No.

TO PROVIDE FOR THE TABLE OF ORGANIZATION, POSITION CLASSIFICATION PLAN, COMPENSATION PLAN AND PAY SCHEDULES AND RULES AND REGULATIONS PERTAINING TO CONDITIONS OF WORK AND SUPPLEMENTAL BENEFITS FOR THE EMPLOYEES OF THE CITY OF KETTERING, OHIO, AND TO REPEAL ORDINANCE NO 4397-23.

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.

**NAME OF OFFICE, DEPARTMENT OR DIVISION PAY GRADE**

**A. OFFICE OF THE CITY MANAGER PAY GRADE**

Regular Full-Time Positions

1..... City Manager..... Reference Section 208  
2..... Assistant City Manager (Reference Section 208) ..... 726  
1..... Community Information Manager..... 707 thru 714  
2..... Administrative Assistant II or Management Assistant ..... 106 or 108

Regular Part-Time Positions

\* ..... Administrative Aide ..... 854 thru 862  
\* ..... Clerk..... 850 thru 856

**B. DEPARTMENT OF LAW PAY GRADE**

Regular Full-Time Positions

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..... Administrative Assistant I or II ..... 104 or 106  
3..... Clerk or Aide I or II or Administrative Assistant I ..... 100, 102 or 104

Regular Part-Time Positions

\* ..... Clerk..... 850 thru 856

Part-Time Intermittent/Temporary Positions

\* ..... Clerk..... 810

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

<b>C. DEPARTMENT OF HUMAN RESOURCES</b>		<b>PAY GRADE</b>
<u>Regular Full-Time Positions</u>		
1.....	Human Resource Director.....	722
1.....	Human Resource Manager.....	714 thru 718
1.....	Compliance and Inclusion Manager.....	712
2.....	Human Resource Coordinator.....	711
1.....	Human Resource Technician.....	8
1.....	Administrative Assistant I or II.....	104 or 106
<u>Regular Part-Time Positions</u>		
*	Clerk.....	850 thru 856
<u>Part-Time Intermittent/Temporary Positions</u>		
*	Human Resource Aide.....	810 thru 812
<b>D. DEPARTMENT OF FINANCE</b>		<b>PAY GRADE</b>
<u>Regular Full-Time Positions</u>		
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.....	Administrative Assistant 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
<u>Regular Part-Time Positions</u>		
*	Finance Technician II.....	8
*	Finance Technician I.....	3 thru 5
*	Finance Aide.....	854 thru 859
*	Clerk.....	850 thru 856
<u>Part-Time Intermittent/Temporary Positions</u>		
*	Tax Intern.....	813 thru 815
*	Finance Aide.....	810 thru 812
*	Clerk.....	810
<b>E. DEPARTMENT OF ADMINISTRATIVE SYSTEMS</b>		<b>PAY GRADE</b>
<b>1. Administrative Support Division</b>		
<u>Regular Full-Time Positions</u>		
1.....	Administrative Systems Director.....	722
1.....	GIS Manager.....	718
2.....	Administrative Designer.....	102 thru 104
1.....	Clerk or Aide I or II.....	100 or 102
<u>Regular Part-Time Positions</u>		
*	GIS Technician.....	5
*	Administrative Designer.....	102 thru 104
*	Word Processing Operator.....	851 thru 857
*	Clerk.....	850 thru 856

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

Part-Time Intermittent/Temporary Positions

\* ..... Administrative Aide ..... 810 thru 813

**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

**F. VOLUNTEER OFFICE PAY GRADE**

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

**G. DEPARTMENT OF PLANNING AND DEVELOPMENT PAY GRADE**

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..... Administrative Assistant I or II ..... 104 or 106

1..... Planning & Development Technician ..... 3 thru 05

Regular Part-Time Positions

\* ..... Planning and Development Aide ..... 854 thru 859

\* ..... Clerk ..... 850 thru 856

\*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.

Part-Time Intermittent/Temporary Positions

* .....	Planning and Development Aide .....	810 thru 813
* .....	Planning and Development Technician .....	810 thru 811
* .....	Clerk .....	810

**H. ECONOMIC DEVELOPMENT PAY GRADE**

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 PAY GRADE**

**1. Department of Police**

Police Officer Positions

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

Regular Full-Time Civilian Positions

* .....	Police Cadet .....	5
2 .....	Uniformed Deputy Bailiff .....	8
5 .....	Jailer .....	6
1 .....	Administrative Assistant I or II .....	104 or 106
1 .....	Administrative Assistant 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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\*NOTE: Total to be employed controlled by budget dollar authorization.

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

## **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.....	Administrative Assistant 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

## **3. Public Safety Dispatch**

### **Regular Full-Time Positions**

2.....	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

## **J. DEPARTMENT OF ENGINEERING PAY GRADE**

### **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	
	(Appointed prior to 5/21/18).....	7 thru 11
	(Appointed on or after 5/21/18).....	7 thru 10
1.....	Administrative Assistant I or II.....	104 or 106

### **Regular Part-Time Positions**

*2.....	Safety Supervisor.....	851 thru 857
*14.....	Crossing Guard (Appointed prior to 1/1/14).....	851 thru 856
	Crossing Guard I (Appointed on or after 1/1/14).....	851 thru 853
	Crossing Guard II (Appointed on or after 1/1/14).....	853 thru 855
*	Clerk.....	850 thru 856

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

Part-Time Intermittent/Temporary Positions

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

**K. DEPARTMENT OF PUBLIC SERVICE** **PAY**

**GRADE 1. Facilities Division**

Regular Full-Time Positions

1.....	Project Manager .....	719
1.....	Facility Maintenance Manager .....	716
1.....	Facility Maintenance Supervisor .....	714
3.....	Buildings Maintenance Mechanic .....	209 thru 211
8.....	Buildings Service I or II	
	Buildings Service I .....	202 thru 205
	Buildings Service II .....	206 thru 208
13.....	Buildings Attendant .....	200
1.....	Administrative Assistant I or II .....	104 or 106

Regular Part-Time Positions

* .....	Clerk .....	850 thru 856
* .....	Maintenance Aide .....	850 thru 853

**2. Streets Division**

Regular Full-Time Positions

1.....	Public Service Director .....	722
1.....	Street Maintenance Manager .....	716
3.....	Street Maintenance Supervisor .....	714
4.....	Street Service IV .....	208 thru 209
35.....	Street Service I, II or III	
	Street Service I .....	200 thru 201
	Street Service II .....	202 thru 205
	Street Service III .....	206 thru 207
1.....	Administrative Assistant I or II .....	104 or 106
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.....	Lead Equipment Mechanic .....	211
4.....	Equipment Mechanic I or II	
	Equipment Mechanic II .....	206 thru 210
	Equipment Mechanic I .....	202 thru 205
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

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

**L. DEPARTMENT OF PARKS, RECREATION AND CULTURAL ARTS PAY GRADE**

Regular Full-Time Positions

1.....	Parks, Recreation and Cultural Arts Director .....	722
3.....	PRCA Superintendent.....	718
2.....	PRCA Manager III .....	716
4.....	PRCA Manager II .....	714
2.....	PRCA Manager I .....	712
9.....	PRCA Supervisor .....	705 thru 709
10.....	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.....	Administrative Assistant I or II .....	104 or 106
2.....	Clerk or Aide I or II .....	100 or 102

Regular Part-Time Positions

* .....	PRCA Tech I .....	3
* .....	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

**M. OFFICE OF CLERK OF COUNCIL PAY GRADE**

Regular Full-Time Positions

1.....	Clerk of Council .....	104 thru 106
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Regular Part-Time Positions

* .....	Administrative Aide .....	854 thru 862
* .....	Clerk.....	850 thru 856

**N. OFFICE OF THE SENIOR SERVICES COORDINATOR PAY GRADE**

Regular Full-Time Positions

1.....	Senior Services Coordinator .....	706 thru 712
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\*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	\$22.64	\$23.82	\$24.90	\$26.30	\$27.59	\$29.52
	Year	47,091	49,546	51,792	54,704	57,387	61,402
4	Hour	\$23.82	\$24.90	\$26.30	\$27.59	\$29.07	\$31.15
	Year	49,546	51,792	54,704	57,387	60,466	64,792
5	Hour	\$24.90	\$26.30	\$27.59	\$29.07	\$30.37	\$32.26
	Year	51,792	54,704	57,387	60,466	63,170	67,101
6	Hour	\$26.30	\$27.59	\$29.07	\$30.37	\$31.78	\$33.84
	Year	54,704	57,387	60,466	63,170	66,102	70,387
7	Hour	\$27.59	\$29.07	\$30.37	\$31.78	\$33.38	\$35.63
	Year	57,387	60,466	63,170	66,102	69,430	74,110
8	Hour	\$29.07	\$30.37	\$31.78	\$33.38	\$35.19	\$37.21
	Year	60,466	63,170	66,102	69,430	73,195	77,397
9	Hour	\$30.37	\$31.78	\$33.38	\$35.19	\$36.79	\$39.09
	Year	63,170	66,102	69,430	73,195	76,523	81,307
10	Hour	\$31.78	\$33.38	\$35.19	\$36.79	\$38.75	\$41.04
	Year	66,102	69,430	73,195	76,523	80,600	85,363
11	Hour	\$33.38	\$35.19	\$36.79	\$38.75	\$40.66	\$43.05
	Year	69,430	73,195	76,523	80,600	84,573	89,544
12	Hour	\$35.19	\$36.79	\$38.75	\$40.66	\$42.68	\$45.15
	Year	73,195	76,523	80,600	84,573	88,774	93,912
13	Hour	\$36.79	\$38.75	\$40.66	\$42.68	\$44.80	\$47.26
	Year	76,523	80,600	84,573	88,774	93,184	98,301

*NOTE: Rates in the above pay table are effective from and after 12/18/2023*

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	\$18.80	\$19.19	\$19.51	\$19.86	\$20.30
	Year	39,104	39,915	40,581	41,309	42,224
51	Hour	\$19.86	\$20.30	\$20.65	\$20.96	\$21.34
	Year	41,309	42,224	42,952	43,597	44,387
52	Hour	\$20.96	\$21.34	\$21.72	\$21.99	\$22.44
	Year	43,597	44,387	45,178	45,739	46,675
53	Hour	\$22.44	\$22.72	\$23.22	\$23.52	\$23.88
	Year	46,675	47,258	48,298	48,922	49,670
54	Hour	\$23.52	\$23.88	\$24.26	\$24.62	\$24.95
	Year	48,922	49,670	50,461	51,210	51,896

***NOTE: Rates in the above Pay Table are effective from and after 12/18/2023***

**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 Year	\$28.39 59,051	\$29.69 61,755	\$31.07 64,626	\$32.66 67,933	\$34.40 71,552	\$36.38 75,670
81	Hour Year				\$33.11 68,869	\$34.87 72,530	\$36.88 76,710
82	Hour Year				\$33.58 69,846	\$35.37 73,570	\$37.41 77,813

**NOTE:** Rates in the above Pay Table are effective from and after 05/22/2023.

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

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

#### STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A / 1</u>	<u>B / 2</u>	<u>C / 3</u>	<u>D / 4</u>	<u>E / 5</u>	<u>F / 6</u>
100	Hour Year	\$20.24 42,099	\$21.38 44,470	\$22.32 46,426	\$23.41 48,693	\$24.66 51,293	\$26.30 54,704
101	Hour Year	\$21.38 44,470	\$22.32 46,426	\$23.41 48,693	\$24.66 51,293	\$25.82 53,706	\$27.59 57,387
102	Hour Year	\$22.32 46,426	\$23.41 48,693	\$24.66 51,293	\$25.82 53,706	\$27.20 56,576	\$29.09 60,507
103	Hour Year	\$23.41 48,693	\$24.66 51,293	\$25.82 53,706	\$27.20 56,576	\$28.53 59,342	\$30.37 63,170

104	Hour	\$24.66	\$25.82	\$27.20	\$28.53	\$29.90	\$31.67
	Year	51,293	53,706	56,576	59,342	62,192	65,874
105	Hour	\$25.82	\$27.20	\$28.53	\$29.90	\$31.45	\$33.28
	Year	53,706	56,576	59,342	62,192	65,416	69,222
106	Hour	\$27.20	\$28.53	\$29.90	\$31.45	\$32.99	\$34.97
	Year	56,576	59,342	62,192	65,416	68,619	72,738
107	Hour	\$28.53	\$29.90	\$31.45	\$32.99	\$34.65	\$36.62
	Year	59,342	62,192	65,416	68,619	72,072	76,170
108	Hour	\$29.90	\$31.45	\$32.99	\$34.65	\$36.32	\$38.31
	Year	62,192	65,416	68,619	72,072	75,546	79,685
109	Hour	\$31.45	\$32.99	\$34.65	\$36.32	\$38.14	\$40.35
	Year	65,416	68,619	72,072	75,546	79,331	83,928
110	Hour	\$32.99	\$34.65	\$36.32	\$38.14	\$40.08	\$42.40
	Year	68,619	72,072	75,546	79,331	83,366	88,192
111	Hour	\$34.65	\$36.32	\$38.14	\$40.08	\$42.12	\$44.21
	Year	72,072	75,546	79,331	83,366	87,610	91,957
112	Hour	\$36.32	\$38.14	\$40.08	\$42.12	\$44.21	\$46.37
	Year	75,546	79,331	83,366	87,610	91,957	96,450

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**NOTE:** Rates in the above Pay Table are effective from and after 12/18/2023.

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 or F 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 211 is 60 months (45 months for employees hired prior to February 16, 1998). In recognition of outstanding job performance, the City Manager may grant step rate increases in shorter periods of time. **Step A only applies to employees hired after February 19, 1996.** Hourly rates are controlling.

## STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>*A / 1</u>	<u>B / 2</u>	<u>C / 3</u>	<u>D / 4</u>	<u>E / 5</u>	<u>F / 6</u>
200	Hour	\$21.05	\$21.99	\$23.00	\$24.03	\$25.11	\$26.25
	Year	43,784	45,739	47,840	49,982	52,229	54,600
201	Hour	\$21.99	\$23.00	\$24.03	\$25.11	\$26.25	\$27.41
	Year	45,739	47,840	49,982	52,229	54,600	57,013
202	Hour	\$23.00	\$24.03	\$25.11	\$26.25	\$27.41	\$28.64
	Year	47,840	49,982	52,229	54,600	57,013	59,571
203	Hour	\$24.03	\$25.11	\$26.25	\$27.41	\$28.64	\$29.96
	Year	49,982	52,229	54,600	57,013	59,571	62,317
204	Hour	\$25.11	\$26.25	\$27.41	\$28.64	\$29.96	\$31.30
	Year	52,229	54,600	57,013	59,571	62,317	65,104
205	Hour	\$26.25	\$27.41	\$28.64	\$29.96	\$31.30	\$32.70
	Year	54,600	57,013	59,571	62,317	65,104	68,016
206	Hour	\$27.41	\$28.64	\$29.96	\$31.30	\$32.70	\$34.17
	Year	57,013	59,571	62,317	65,104	68,016	71,074
207	Hour	\$28.64	\$29.96	\$31.30	\$32.70	\$34.17	\$35.71
	Year	59,571	62,317	65,104	68,016	71,074	74,277
208	Hour	\$29.96	\$31.30	\$32.70	\$34.17	\$35.71	\$37.31
	Year	62,317	65,104	68,016	71,074	74,277	77,605
209	Hour	\$31.30	\$32.70	\$34.17	\$35.71	\$37.31	\$38.99
	Year	65,104	68,016	71,074	74,277	77,605	81,099
210	Hour	\$32.70	\$34.17	\$35.71	\$37.31	\$38.99	\$40.74
	Year	68,016	71,074	74,277	77,605	81,099	84,739
211	Hour	\$34.17	\$35.71	\$37.31	\$38.99	\$40.74	\$42.59
	Year	71,074	74,277	77,605	81,099	84,739	88,587

**NOTE:** Rates in the above Pay Table are effective from and after 02/27/23.

\*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 GRADE	BASIS	<u>A / 1</u>	<u>B / 2</u>	<u>C / 3</u>	<u>D / 4</u>	<u>E / 5</u>	<u>F / 6</u>	<u>G / 7</u>
304	Hour	\$ 35.73	\$ 37.32	\$ 39.00	\$ 40.66	\$ 42.28	\$ 44.89	\$ 46.86
	Year	74,318	77,626	81,120	84,573	87,942	93,371	97,469
*305	Hour				\$ 41.22	\$ 42.85	\$ 45.57	\$ 47.55
	Year				85,738	89,128	94,786	98,904
*306	Hour				\$ 41.81	\$ 43.52	\$ 46.28	\$ 48.25
	Year				86,965	90,522	96,262	100,360

**NOTE:** Rates in the above Pay Table are effective from and after 02/13/23.

\*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 48-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 48 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 (48 hr week sched)	\$29.57	\$30.81	
	Hour (40 hr week sched)	35.49	36.97	
	Year	73,819	76,898	
402	Hour (48 hr week sched)	\$32.22	\$33.53	
	Hour (40 hr week sched)	38.66	40.24	
	Year	80,413	83,699	
403	Hour (48 hr week sched)	\$34.95	\$36.77	\$38.82
	Hour (40 hr week sched)	41.94	44.13	46.59
	Year	87,235	91,790	96,907

#### STEP RATES

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A</u>	<u>B</u>	<u>C</u>
*404	Hour (48 hr week sched)	\$30.46	\$31.73	
	Hour (40 hr week sched)	36.55	38.08	
	Year	76,024	79,206	
*405	Hour (48 hr week sched)	\$33.18	\$34.54	
	Hour (40 hr week sched)	39.82	41.45	
	Year	82,826	86,216	
*406	Hour (48 hr week sched)	\$36.00	\$37.87	\$39.99
	Hour (40 hr week sched)	43.20	45.45	47.99
	Year	89,856	94,536	99,819

**NOTE:** Rates in the above Pay Table are effective from and after 12/18/23.

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

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<u>PAY</u> <u>GRADE</u>	<u>BASIS</u>	<u>A / 1</u>	<u>B / 2</u>
504	Hour	\$52.40	\$53.73
	Year	108,992	111,758
505	Hour	\$56.40	\$57.77
	Year	117,312	120,162

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**NOTE:** Rates in the above Pay Table are effective from and after 12/19/22.

### 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 48-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

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A / 1</u>	<u>B / 2</u>	<u>C / 3</u>	<u>D / 4</u>	<u>COMMENTS</u>
605	Hour (48-hr. week schedule)	\$44.26	\$45.36	\$46.41	\$47.60	Fire Captain
	Hour (40-hr. week schedule)	\$53.11	\$54.43	\$55.69	\$57.12	(appointed prior
	Year	110,469	113,214	115,835	118,810	to 9/23/13)

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:

<u>PAY GRADE</u>	<u>BASIS</u>	<u>A / 1</u>	<u>B / 2</u>	<u>C / 3</u>	<u>D / 4</u>	
605-1	Hour (48-hr. week schedule)	\$43.15	\$44.37	\$44.92	\$45.48	Fire Captain
	Hour (40-hr. week schedule)	\$51.78	\$53.24	\$53.90	\$54.58	(appointed on or
	Year	107,702	110,739	112,112	113,526	after 9/23/13)

**NOTE:** Rates in the above Pay Table are effective from and after 12/18/23.

### 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 48-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 (48-hr. week schedule)	\$46.99	\$47.59	\$48.20	\$49.23
	Hour (40-hr. week schedule)	\$56.39	\$57.11	\$57.84	\$59.08
	Year	117,291	118,789	120,307	122,886

**NOTE:** Rates in the above Pay Table are effective from and after 12/18/2023.

### 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

PAY GRADE	BASIS	MAXIMUM PAY RATE	PAY GRADE	BASIS	MAXIMUM PAY RATE
705	Hour	\$32.26	714	Hour	\$49.60
	Year	67,101		Year	103,168
706	Hour	\$33.84	715	Hour	\$52.24
	Year	70,387		Year	108,659
707	Hour	\$35.21	716	Hour	\$54.74
	Year	73,237		Year	113,859
708	Hour	\$37.21	717	Hour	\$57.40
	Year	77,397		Year	119,392
709	Hour	\$39.09	718	Hour	\$60.24
	Year	81,307		Year	125,299
710	Hour	\$41.04	719	Hour	\$63.24
	Year	85,363		Year	131,539
711	Hour	\$43.05	720	Hour	\$66.34
	Year	89,544		Year	137,987
712	Hour	\$45.15	721	Hour	\$69.68
	Year	93,912		Year	144,934
713	Hour	\$47.26	722	Hour	\$73.14
	Year	98,301		Year	152,131
			724	Hour	\$80.58
				Year	167,606
			726	Hour	\$88.68
				Year	\$184,454

**NOTE:** Rates in the above Pay Table are effective from and after 12/18/2023.

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

- A. 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. In the event of a conflict between this Ordinance and any then valid 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 will prevail. 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, but 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, will prevail.
- B. The City Manager may, once annually, convert up to a maximum of 12 days of their 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 their 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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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	HOURL	\$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 12/18/2023.

## B. PAY TABLES FOR REGULAR PART-TIME POSITIONS

### STEP RATES

PAY GRADE	BASIS	A / 1	B / 2	C / 3	D / 4	E / 5
850	HOURL	\$14.43	\$14.74	\$15.16	\$15.53	\$15.84
851	HOURL	\$15.53	\$15.84	\$16.22	\$16.62	\$17.06
852	HOURL	\$16.62	\$17.06	\$17.27	\$17.71	\$18.07
853	HOURL	\$17.71	\$18.07	\$18.42	\$18.80	\$19.19
854	HOURL	\$18.80	\$19.19	\$19.51	\$19.86	\$20.30
855	HOURL	\$19.86	\$20.30	\$20.65	\$20.96	\$21.34

856	HOUR	\$20.96	\$21.34	\$21.72	\$21.99	\$22.44
857	HOUR	\$22.44	\$22.72	\$23.22	\$23.52	\$23.88
858	HOUR	\$23.52	\$23.88	\$24.26	\$24.62	\$24.95
859	HOUR	\$24.62	\$24.95	\$25.36	\$25.67	\$26.10
860	HOUR	\$25.67	\$26.10	\$26.45	\$26.73	\$27.17
861	HOUR	\$26.73	\$27.17	\$27.56	\$27.96	\$28.24
862	HOUR	\$27.96	\$28.24	\$28.61	\$29.07	\$29.39

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*NOTE: Rates in the above Pay Table are effective from and after 12/18/2023.*

Section 210. 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 210 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 211. 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 they shall receive overtime pay for only that time worked in excess of forty (40) hours for their 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 they 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 forty-eight (48) hours per week shall receive overtime compensation only for the time worked in excess of an average forty-eight (48) 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 (1 ½) 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 their 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 forty-eight (48) 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, and 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 212. 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 Classification 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 they determine 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 their sole discretion, exceed the total number of personnel authorized by Article I, for a temporary or extended period of time, when they identify circumstances they deem 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 they deem 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 who the City Manager deems eligible for health insurance through the City's group plan(s). The City Manager, may, at their 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 Leave and are being carried in a status of Leave Without Pay. The City Manager may, at their 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 their 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 their sole determination, doing so would be in the best interest of the City for economic or administrative reasons.
- F. The City Manager may, at their 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.

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 their 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 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 forty-eight (48) hours per week accrue Vacation Leave at rates of 1.2 times the hourly rates shown above. When a Fire Battalion Chief is transferred to a forty-eight (48) hour workweek schedule, any balance of Vacation Leave is multiplied by 1.2. When a Fire Battalion Chief is transferred off a forty-eight (48) hour week schedule, any balance of Vacation Leave will be multiplied by five-sixths (5/6).

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 their commitment to retire on a specific date, in which case no limit shall be placed on the accumulation of their Vacation Leave from the date of receipt of such notice of their retirement date or for the period of one year preceding their 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 (two hundred eighty-eight (288) hours for Firefighters, Fire Captains and Fire Battalion Chiefs working forty-eight (48) 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, they 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, they shall be entitled to remuneration for the amount of unused Vacation Leave they have 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 forty-eight (48) hour workweek schedules accrue Sick Leave at 1.2 times the normal rate or 168 hours per year. When a Fire Battalion Chief is transferred to a forty-eight (48) hour workweek schedule any balance of Sick Leave will be multiplied by 1.2. When a Fire Battalion Chief is transferred off a forty-eight (48) hour workweek schedule, any balance of Sick Leave will be multiplied by five-sixths (5/6). The total amount of accrued Sick Leave for Fire Battalion Chiefs in Pay Grade 606 on a forty-eight (48) hour workweek schedule may not exceed 2,496 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. 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 their military pay and their 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 they return 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 their 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 their 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 their regular City pay during that period they serve 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 their 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 Juneteenth and 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 (1 ½) 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 forty-eight (48) hour average workweek schedule. The City Manager may, at their 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 their Personal Leave credit for the year during which they received an initial appointment, provided employment commenced prior to October 1st, except that an employee may not receive credit for their 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 forty-eight (48) average hour workweek schedule shall not receive Personal Leave days but instead shall receive one 24-hour tour of duty off with pay (EDO) in each 21-day continuous work cycle. EDOs will be assigned by the Chief or the Chief's designee. With the Chief's approval, the City will allow platoon employees to trade EDOs with members of their own shift within the 21-day work cycle. The scheduling of all EDOs is subject to scheduling requirements as determined by the Chief or the Chief's designee. All EDOs shall be scheduled as approved by the Chief or the Chief's designee. Fire Battalion Chiefs will receive one additional EDO annually to be scheduled at their discretion subject to approval by the Chief or the Chief's designee. 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 their 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 they 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, Civilian Dispatch Supervisor, 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 they determine 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 their sole discretion, may approve the purchase of alcoholic beverages for the functions stated in Sections 400 and 401, especially where they deem 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, 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 their 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 their 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 their 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 18, 2023, 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 22, 2023.

The effective date of computations for pay schedules in Section 202, (Pay Grades 200 through 211), shall be computed from and after February 27, 2023.

The effective date of computations for pay schedules in Section 203, (Pay Grades 304 through 306), shall be computed from and after February 13, 2023.

The effective date of computations for pay schedules in Section 204, (Pay Grades 401 through 406), shall be computed from and after December 18, 2023.

The effective date of computations for pay schedules in Section 205, (Pay Grades 504 and 505), shall be computed from and after December 19, 2022.

The effective date of computations for pay schedules in Section 206 (Pay Grades 605 and 605-1) shall be computed from and after December 18, 2023.

The effective date of computations for pay schedules in Section 206-a., (Pay Grade 606), shall be computed from and after December 18, 2023.

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 18, 2023.

#### Section 409. ORDINANCES REPEALED.

Ordinance No. 4397-23 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 \_\_\_\_\_, 2023

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL:

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

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

(Requested by Human Resource Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**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,  
2024**

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, 2024.

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
PEGGY LEHNER, 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 ACCEPT  
A SPECIAL PROJECTS GRANT FROM THE THOMAS R.  
SCHIFF FOUNDATION**

WHEREAS, the City applied for a Special Projects Grant from the Thomas R. Schiff Foundation to support the FotoFocus Biennial exhibitions at Rosewood Arts Center for September through December 2024; and

WHEREAS, the City's grant application has been approved;

NOW, THEREFORE, Be it resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized, on behalf of the City of Kettering, to take all necessary and proper action to accept and expend the above-described grant. Furthermore, Council ratifies the grant application and affirms all matters and statements included therein.

Section 2. City Council hereby expresses its gratitude and appreciation to the Thomas R. Schiff Foundation for the grant and the positive impact it will have on arts programs at Rosewood Arts Center.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost:     \$6,000.00  
Funds Available:     \$0  
Acct. No.             2440-72550

(Requested by: Parks, Recreation and Cultural Arts Department)

**CITY OF KETTERING, OHIO**

**A RESOLUTION**

**By:**

**No.**

**AUTHORIZING THE CITY MANAGER TO CONTRACT WITH  
PATRIOT ENGINEERING AND ENVIRONMENTAL, INC. FOR A  
PHASE II ENVIRONMENTAL SITE ASSESSMENT**

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 hereby authorized, on behalf of the City, to contract with Patriot Engineering and Environmental, Inc. for a Phase II Environmental Site Assessment for City-owned property at 2659 Patterson Road. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost:	\$43,100.00
Amount Budgeted:	\$43,100.00
Acct. No.	8080-77750

(Requested by: Engineering Department)

**CITY OF KETTERING, OHIO**

**A RESOLUTION**

**By:**

**No.**

**AUTHORIZING THE CITY MANAGER TO APPLY FOR A  
SAFETY GRANT FROM THE OHIO BUREAU OF  
WORKERS' COMPENSATION**

WHEREAS, the City of Kettering is eligible to apply for a Grant from the Ohio Bureau of Workers' Compensation; and

WHEREAS, this Grant is a 5-to-1 matching Grant, where the Ohio Bureau of Workers' Compensation will provide \$5.00 for every \$1.00 contributed by the employer; and

WHEREAS, if awarded, the Grant funds will be used to purchase safety equipment for the Kettering Fire Department;

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

Section 1. The City Manager, on behalf of the City, is hereby authorized to take all necessary and proper action to apply for the above-described Grant from the State of Ohio.

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 \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost:       \$12,500.00  
Amount Budgeted:     \$0.00

(Requested by: Fire Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO CONTRACT WITH  
AXON ENTERPRISE, INC. FOR THE PURCHASE OF NEW  
EQUIPMENT AND SERVICES FOR KETTERING POLICE  
DEPARTMENT**

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 hereby authorized, on behalf of the City, to contract with Axon Enterprise, Inc. for the purchase of new equipment and services, including, without limitation, cameras, Tasers, software, and storage for Kettering Police Department. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost:	\$1,758,145.48
Amount Budgeted:	\$0.00
Acct. No.	0600-72550

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT AND  
ADMINISTER A COMMUNITY HOUSING IMPACT AND  
PRESERVATION PROGRAM: LEAD ABATEMENT  
PROGRAM GRANT FROM THE OHIO DEPARTMENT OF  
DEVELOPMENT**

WHEREAS, the City applied for Community Housing Impact and Preservation Program: Lead Abatement Program grant funds from the Ohio Department of Development to assist with lead abatement and mitigation; and

WHEREAS, the City's grant application has been approved;

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

Section 1. The City Manager is hereby authorized, on behalf of the City of Kettering, to take all necessary and proper action to accept and administer the above-described grant from the Ohio Department of Development. The City Manager is further authorized to sign any related instruments and agreements and any amendments or extensions thereto that the City Manager deems appropriate. Furthermore, Council ratifies the grant application and affirms all matters and statements included therein.

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 \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost:       \$110,000.00  
Funds Available:       \$0.00  
Acct. No.:             CDBG 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, 2023

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, 2023, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

POLICE DEPARTMENT	
Operating Expenses	\$1,758,145.48

B. From the Parks & Recreation Fund:

PARKS & RECREATION DEPARTMENT	
Operating Expenses	\$ 2,700.00

C. From the Community Development Block Grant Fund: \$ 360,000.00

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 \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

Estimated Cost: \$2,120,845.48  
Amount Budgeted: \$0  
Acct. No. Various

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO MAKE APPROPRIATIONS FOR CURRENT EXPENDITURES  
OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE  
FISCAL YEAR ENDING DECEMBER 31, 2024.

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

Section I. That to provide for the current expenditures of the City of Kettering during the fiscal year ending December 31, 2024, the following sums be and are hereby set aside and appropriated as follows, to-wit:

A. From the General Fund:

<u>CODE</u>			
101-0050	MAYOR AND COUNCIL		
	Personal Service	\$	196,000
	Operating Expenses		111,060
	Capital Outlay		0
101-0100	MUNICIPAL COURT		
	Personal Service	\$	1,278,700
	Operating Expenses		280,520
	Capital Outlay		0
101-0150	CLERK OF COURTS		
	Personal Service	\$	1,007,300
	Operating Expenses		180,000
	Capital Outlay		0
101-0250	OFFICE OF THE CITY MANAGER		
	Personal Service	\$	991,600
	Operating Expenses		106,310
	Capital Outlay		0
101-0300	DEPARTMENT OF LAW		
	Personal Service	\$	1,064,000
	Operating Expenses		189,860
	Capital Outlay		0
101-0350	DEPARTMENT OF FINANCE		
	Personal Service	\$	2,578,200
	Operating Expenses		701,800
	Capital Outlay		0
101-0400	ADMINISTRATIVE SYSTEMS		
	Personal Service	\$	752,900
	Operating Expenses		251,860
	Capital Outlay		0
101-0450	HUMAN RESOURCES DEPARTMENT		
	Personal Service	\$	968,100
	Operating Expenses		351,790
	Capital Outlay		0
101-0500	PLANNING AND DEVELOPMENT DEPARTMENT		
	Personal Service	\$	2,557,600
	Operating Expenses		534,470
	Capital Outlay		0

101-0550	ECONOMIC DEVELOPMENT	
	Personal Service	\$ 171,900
	Operating Expenses	576,670
	Capital Outlay	0
101-0600	POLICE DEPARTMENT	
	Personal Service	\$ 15,006,400
	Operating Expenses	2,601,870
	Capital Outlay	238,200
101-0700	FIRE DEPARTMENT	
	Personal Service	\$ 14,932,300
	Operating Expenses	2,140,080
	Capital Outlay	566,500
101-0800	ENGINEERING DEPARTMENT	
	Personal Service	\$ 2,390,500
	Operating Expenses	487,030
	Capital Outlay	86,300
101-1700	COMMUNITY INFORMATION	
	Personal Service	\$ 144,800
	Operating Expenses	123,070
	Capital Outlay	0
	OTHER COST CENTERS	\$ 1,201,150
TRANSFERS TO OTHER FUNDS		
	Street Maintenance Fund	\$ 3,634,000
	State Highway Fund	271,000
	Police Pension Fund	1,437,000
	EMS Fund	0
	Parks & Recreation Fund	9,055,000
	Fraze Pavilion Operations Fund	0
	DESC Reuse Funds	159,000
	Special Grants and Programs	0
	Debt Service Fund	775,000
	Capital Improvement Fund	<u>4,091,000</u>
	GRAND TOTAL GENERAL FUND	\$ 74,190,840

B. From the Street Maintenance Fund:

202-2000	STREET DEPARTMENT	
	Personal Service	\$ 4,475,400
	Operating Expenses	2,053,700
	Capital Outlay	<u>837,300</u>
	GRAND TOTAL STREET MAINTENANCE FUND	\$ 7,366,400 *

\*Includes Transfer from General Fund

C. From the State Highway Construction and Maintenance Fund

203	TRANSPORTATION/STREET	
	Operating Expenses	\$ 185,000
203-2072	STREET SURFACING	<u>2,072,000</u>
	GRAND TOTAL STATE HIGHWAY CONSTRUCTION AND MAINTENANCE FUND	\$ 2,257,000 *

\*Includes transfer from General Fund

D. From the Cemetery Fund:

205-2100	HUMAN SERVICES	
	Operating Expense	\$ 20,000
205-8205	Cemetery Improvements	<u>159,000</u>
	GRAND TOTAL CEMETERY FUND	\$ 179,000

E. From the Police Pension Fund:

213-2150	POLICE DEPARTMENT	
	Personal Service	\$ 1,889,600 *

\*Includes transfer from General Fund

F. From the Emergency Medical Services Fund:

Emergency medical services fund	\$ 26,000
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G. From the Parks & Recreation Fund:

246-2400	PARKS & RECREATION DEPARTMENT	
	Personal Service	\$ 8,015,700
	Operating Expenses	4,587,540
	Capital Outlay	<u>110,000</u>
	GRAND TOTAL PARKS & RECREATION FUND	\$ 12,713,240 *

\*Includes Transfer from General Fund

H. From the Frazee Pavilion Operations Fund:

247-2200	HUMAN SERVICES	
	Personal Service	\$ 1,019,300
	Operating Expenses	4,996,700
	Capital Outlay	0
247-8099	Parks & Recreation Improvements	<u>0</u>
	GRAND TOTAL FRAZEE PAVILION OPERATIONS FUND	\$ 6,016,000

I. From the DESC Reuse Fund:

Defense Electronics Supply Center (DESC) Reuse	\$ 171,000 *
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\*Includes Transfer from General Fund

J. From the Special Grants and Programs Fund:

Law Enforcement Funds	\$ 50,000
Court Computerization/Automation	518,900
Other	<u>631,000</u>
GRAND TOTAL SPECIAL GRANTS & PROGRAMS FUND	\$ 1,199,900 *

\*Includes Transfer from General Fund

K. From the Debt Service Fund:

318-4000	DEBT SERVICE	
	Operating Expenses	\$ 77,000
	Debt Service	<u>2,719,594</u>
	GRAND TOTAL DEBT SERVICE FUND:	\$ 2,796,594 *
	*Includes Transfer from General Fund	

L. From the Capital Improvement Fund:

406-5100	TRAFFIC CONTROLS	\$ 105,000
406-5200	STREET SURFACING	7,286,000
406-5700	STREETSCAPE IMPROVEMENTS	598,000
406-5900	DRAINAGE	410,000
406-6100	PARKS & RECREATION	1,508,000
406-6500	TREE PLANTING & LANDSCAPING	209,000
406-6600	OTHER	<u>578,000</u>
	GRAND TOTAL CAPITAL IMPROVEMENT FUND	\$ 10,694,000 *

\*Includes transfer from the General Fund

Section 2. The Finance Director is hereby authorized to draw warrants and make payments from any of the foregoing appropriations upon receiving proper certificates and vouchers approved by the officials, department heads, or their respective designees, authorized by law to approve the same, or, an Ordinance or Resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries or wages except for persons employed by authority of and in accordance with law or Ordinance.

Expenditures are controlled at the level of personal services, operating expenditures and capital outlay on a department level, except for the state highway fund, cemetery fund, police pension fund, emergency medical fund, debt service fund, DESC (Defense Electronics Supply Center) reuse fund, special safety grants and programs fund, community development fund and the capital projects fund which are controlled at the fund level.

The Director of Finance is hereby authorized to adjust appropriations within any Fund or department so long as the adjustments made do not exceed the total appropriation authorized within any Fund or department. The Finance Director is further authorized to establish additional funds as may from time to time be required by the State of Ohio or as directed by the City Manager.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor.

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by: Finance Director)

**CITY OF KETTERING, OHIO**

**AN EMERGENCY ORDINANCE**

**By:**

**No.**

**TO AMEND VARIOUS SECTIONS OF CHAPTER 192 OF  
THE CODIFIED ORDINANCES REGARDING INCOME  
TAX AND DECLARE AN EMERGENCY**

WHEREAS, Amended Substitute House Bill (H.B.) 33 of the 135th General Assembly, the State's general appropriations bill for the biennium, made changes to Ohio Revised Code Chapter 718 which, under Section 718.04(A) of the Ohio Revised Code, must be incorporated into Chapter 192 of the Codified Ordinances regarding income tax;

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

Section 1. Section 192.062(A) of the Codified Ordinances is amended to read as follows:

(A) Except as otherwise provided in section 192.063 and division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of the Municipality shall be considered as having a taxable situs in the Municipality for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the Taxpayer in the business or profession in the Municipality during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the Taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the Taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Municipality to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 192.052 of this Chapter;

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Municipality to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

Section 2. Section 192.062(D) of the Codified Ordinances is amended to read as follows:

(D) For the purposes of division (A)(3) of this section and except as provided in section 192.063, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

(1) For Taxable Years beginning on or after January 1, 2016 through December 31, 2017, gross receipts from the sale of tangible personal property shall be situated to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation if, regardless of where title passes, the property meets any of the following criteria:

(a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation;

(b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the Taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion; or

(c) The property is shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided that the Taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(2) For taxable years beginning on or after January 1, 2018, gross receipts from the sale of tangible personal property shall be situated to the municipal corporation only if, regardless of where title passes, the property meets either of the following criteria:

(a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation; or

(b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the Taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

(3) Gross receipts from the sale of services shall be situated to the municipal corporation to the extent that such services are performed in the municipal corporation;

(4) To the extent included in Income, gross receipts from the sale of real property located in the municipal corporation shall be situated to the municipal corporation;

(5) To the extent included in Income, gross receipts from rents and royalties from real property located in the municipal corporation shall be situated to the municipal corporation;

(6) Gross receipts from rents and royalties from tangible personal property shall be situated to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

Section 3. Sections 192.063 (192.064), 192.064 (192.065), and 192.065 (192.066) of the Codified Ordinances are amended for the purpose of adopting new section numbers as indicated in parentheses. New section 192.063 is enacted to read as follows:

**192.063 NET PROFIT; ALTERNATIVE NET PROFITS  
APPORTIONMENT FOR REMOTE EMPLOYEES**

(A) As used in this section:

(1) "QUALIFYING REMOTE EMPLOYEE OR OWNER" means an individual who is an employee of a Taxpayer or who is a partner or member holding an ownership interest in a Taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(a) The Taxpayer has assigned the individual to a Qualifying Reporting Location; and

(b) The individual is permitted or required to perform services for the Taxpayer at a Qualifying Remote Work Location.

(2) "QUALIFYING REMOTE WORK LOCATION" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the Taxpayer, other than a Reporting Location of the Taxpayer or any other location owned or controlled by a customer or client of the Taxpayer.

“Qualifying Remote Work Location” may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one Qualifying Remote Work Location during a taxable year.

(3) “REPORTING LOCATION” means either of the following:

- (a) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the Taxpayer; or
- (b) Any location in this state owned or controlled by a customer or client of the Taxpayer, provided that the Taxpayer is required to withhold taxes under section 192.05 of this Chapter on Qualifying Wages paid to an employee for the performance of personal services at that location.

(4) “QUALIFYING REPORTING LOCATION” means one of the following:

- (a) The Reporting Location in this state at which an employee or owner performs services for the Taxpayer on a regular or periodic basis during the taxable year;
- (b) If no Reporting Location exists in this state for an employee or owner under division (A)(4)(a) of this section, the Reporting Location in this state at which the employee’s or owner’s supervisor regularly or periodically reports during the Taxable Year;
- (c) If no Reporting Location exists in this state for an employee or owner under division (A)(4)(a) or (b) of this section, the location that the Taxpayer otherwise assigns as the employee’s or owner’s Qualifying Reporting Location, provided the assignment is made in good faith and is recorded and maintained in the Taxpayer’s business records. A Taxpayer may change the Qualifying Reporting Location designated for an employee or owner under this division at any time.

(B) For Taxable Years ending on or after December 31, 2023, a Taxpayer may elect to apply the provisions of this section to the apportionment of its net profit from a business or profession. For Taxpayers that make this election, the provisions of section 192.062 of this Chapter apply to such apportionment except as otherwise provided in this section.

A Taxpayer shall make the election allowed under this section in writing on or with the Taxpayer’s net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an Assessment. The election applies to the Taxable Year for which that return or appeal is filed and for all subsequent years, until the Taxpayer revokes the election.

The Taxpayer shall make the initial election with the Tax Administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this section, the Taxpayer is required to file a net profit tax return for the Taxable Year. A Taxpayer shall not be required to notify the Tax Administrator of a municipal corporation in which a Qualifying Remote Employee’s Or Owner’s Qualifying Remote Work Location is located, unless the Taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee’s or owner’s activity at the Qualifying Remote Work Location.

After the Taxpayer makes the initial election, the election applies to every municipal corporation in which the Taxpayer conducts business. The Taxpayer shall not be required to file a net profit return with a municipal corporation solely because a Qualifying Remote Employee's Or Owner's Qualifying Remote Work Location is located in such municipal corporation.

Nothing in this section prohibits a Taxpayer from making a new election under this section after properly revoking a prior election.

(C) For the purpose of calculating the ratios described in division (A) of section 192.062 of this Chapter, all of the following apply to a Taxpayer that has made the election described in division (B) of this section:

- (1) For the purpose of division (A)(1) of section 192.062 of this Chapter, the average original cost of any tangible personal property used by a Qualifying Remote Employee Or Owner at that individual's Qualifying Remote Work Location shall be situated to that individual's Qualifying Reporting Location.
- (2) For the purpose of division (A)(2) of section 192.062 of this Chapter, any wages, salaries, and other compensation paid during the taxable period to a Qualifying Remote Employer Or Owner for services performed at that individual's Qualifying Remote Work Location shall be situated to that individual's Qualifying Reporting Location.
- (3) For the purpose of division (A)(3) of section 192.062 of this Chapter, and notwithstanding division (D) of that section, any gross receipts of the business or profession from services performed during the taxable period by a Qualifying Remote Employee Or Owner for services performed at that individual's Qualifying Remote Work Location shall be situated to that individual's Qualifying Reporting Location.

(D) Nothing in this section prevents a Taxpayer from requesting, or the Tax Administrator from requiring, that the Taxpayer use, with respect to all or a portion of the income of the Taxpayer, an alternative apportionment method as described in division (B) of section 192.062 of this Chapter. However, a Tax Administrator shall not require an alternative apportionment method in such a manner that it would require a Taxpayer to file a net profit return with the municipal corporation solely because a Qualifying Remote Employee's Or Owner's Qualifying Remote Work Location is located in that municipal corporation.

(E) Except as otherwise provided in this section, nothing in this section is intended to affect the withholding of taxes on Qualifying Wages pursuant to sections 192.051 and 192.052 of this Chapter.

Section 4. Section 192.094 of the Codified Ordinances is amended to read as follows:

(A) Any Taxpayer that has duly requested an automatic six-month extension for filing the Taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return for a Taxpayer that is an individual shall be the fifteenth day of the tenth month after the last day of the Taxable Year to which the return relates. For Taxable Years ending on or after January 1, 2023, the extended due date of the municipal income tax return for a Taxpayer that is not an individual shall be the fifteenth day of the eleventh month after the last day of the Taxable Year to which the return relates.

(B) Any Taxpayer that qualifies for an automatic federal extension for a period other than six months for filing the Taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as that of the extended federal income tax return.

(C) A Taxpayer that has not requested or received a six-month extension for filing the Taxpayer's federal income tax return may request that the Tax Administrator grant the Taxpayer a six-month extension of the date for filing the Taxpayer's municipal income tax return. If the request is received by the Tax Administrator on or before the date the municipal income tax return is due, the Tax Administrator shall grant the Taxpayer's requested extension.

(D) An extension of time to file under this Chapter is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(E) If the State Tax Commissioner extends for all Taxpayers the date for filing state income tax returns under division (G) of section 5747.08 of the Ohio Revised Code, a Taxpayer shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as the extended due date of the state income tax return.

(F) For Taxable Years ending on or after January 1, 2023, if a Taxpayer receives an extension for the filing of a municipal income tax return under division (A), (B), (C), or (E) of this section, the Tax Administrator shall not make any inquiry or send any notice to the Taxpayer with regard to the return on or before the date the Taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

(G) If the Tax Administrator violates division (F) of this section, the Municipality shall reimburse the Taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to one hundred fifty dollars.

(H) Division (F) and (G) of this section do not apply to an extension received under division (A), (B) or (E) of this section if the Tax Administrator has actual knowledge that the Taxpayer failed to file for a federal extension as required to receive the extension under division (A) of this section or failed to file for an extension under division (C) of this section.

Section 5. Section 192.10(C)(4) of the Codified Ordinances is amended to read as follows:

(4) With respect to returns other than estimated income tax returns, the Municipality shall impose a penalty not exceeding twenty-five dollars for each failure to timely file each return, regardless of the liability shown thereon, except that for Taxable Years ending on or after January 1, 2023, the Municipality shall abate or refund the late filing penalty assessed on a Taxpayer's first failure to timely file a return after the Taxpayer files that return.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, which shall be effective upon passage, such emergency arising from the need to conform Chapter 192 of the Codified ordinances with the applicable municipal income tax provisions requirements of H.B. 33 and Chapter 718 of the Ohio Revised Code as soon as possible.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

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

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

(Requested by: Finance Department)

# roclamation

**Whereas:** *Today, Bruce Duke is being honored by his many friends and colleagues as we celebrate his 37 years of service dedicated to the Kettering community as a member of City Council; and*

*WHEREAS: Bruce Duke began his public service career in 1986 when he was first elected to City Council to serve the residents of District 4; and*

*WHEREAS: Bruce Duke recognized the importance of building and maintaining a vibrant community to enhance the quality of life for all residents; and*

*WHEREAS: Bruce advocated for and worked toward accomplishing unique projects throughout the City's history including the development of Frazee Pavilion, the rehabilitation of the Ridgeway Road Bridge and renovations to improve aging infrastructure; and*

*WHEREAS: Bruce parlayed his passion to educate the next generation of public servants into his creation of the Kettering Leadership Academy which, in its 20<sup>th</sup> year, continues to encourage collaboration and continued learning for the brightest community servants; and*

*WHEREAS: The Kettering community is a better place due to the example Bruce Duke demonstrated as a devoted public servant.*

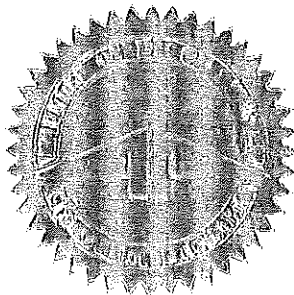
*NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, do hereby proclaim:*

*December 30, 2023*

*to be*

**BRUCE E. DUKE DAY**

*in the City of Kettering, Ohio, and on behalf of City Council, City Administration and the residents of Kettering would like to express our sincerest gratitude to Bruce Duke for his service to the Kettering community and offer our best wishes for a well-deserved retirement.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 30th day of December in the Year of our Lord, Two Thousand Twenty Three.*

**PEGGY LEHNER**

*Mayor of the City of Kettering, Ohio*

# Proclamation

**Whereas:**

*Today, we honor Tony Klepacz for his service and dedication to the Kettering community for the past 16 years; and*

*WHEREAS: Tony began his public service career in 2007, serving the residents in District 3 advocating for fiscal management and improving neighborhoods, bolstering the longevity of the community; and*

*WHEREAS: Tony continues to make a profound difference for residents of all ages by helping to implement an annual participation in the award-winning Summer Food Program at the Trails of Oak Creek; and*

*WHEREAS: Tony helped maintain the beauty of Kettering's unique neighborhoods through property maintenance and through his support of programs, such as Neighborhood Pride; and*

*WHEREAS: Tony is a shining example of community pride. He encouraged residents to shop local and to Shop Kettering to support small businesses that are the backbone of a thriving economy; and*

*WHEREAS: The Kettering community expresses its gratitude to "Mr. Shop Kettering" for his steadfast leadership and commitment to make Kettering a premier destination residents and small business owners are proud to call home.*

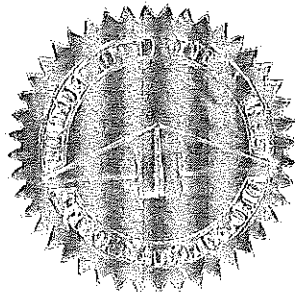
*NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, do hereby proclaim:*

*December 31, 2023*

*to be*

**TONY KLEPACZ DAY**

*in the City of Kettering, Ohio, and on behalf of City Council, City Administration and the residents of Kettering would like to commend Tony Klepacz for his exemplary service and offer our best wishes for a rewarding future filled with good health and happiness.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 31st day of December in the Year of our Lord, Two Thousand Twenty Three.*

**PEGGY LEHNER**

*Mayor of the City of Kettering, Ohio*