

Placed on first reading and
referred to Rules & Ordinances 9/4/18;
second reading 9/17/18

ORDINANCE NO. 38-18

BY: Anderson, Bullock, George,
Litten, O'Leary, O'Malley, Rader

AN ORDINANCE repealing Section 149.16, Military Leave; Compensation, of the Codified Ordinances of the City of Lakewood and enacting a new section in its place to conform this section to Section 5923.05 of the Ohio Revised Code.

WHEREAS, Section 149.16 of the Codified Ordinances, governing paid military leave, stands to be amended in order to come into conformance with Section 5923.05 of the Ohio Revised Code; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 149.16, Military Leave; Compensation, currently reading as follows:

149.16 MILITARY LEAVE; COMPENSATION.

(a) All full-time, permanent, hourly employees and all annual, salaried employees shall be granted leaves of absence for military duty in accordance with State and federal law.

(b) Any such employee of the City who is temporarily called to active duty (e.g., summer training) shall be granted a leave of absence for the duration of such active duty and shall be paid for a period of not more than one hundred seventy-six (176) hours in any one calendar year and shall accumulate vacation, longevity and sick leave credit during the period of such leave.

(c) Any full-time, permanent, hourly employee and any annual, salaried employee who is called or ordered to the uniformed services for longer than a month, or each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the President of the United States, an act of Congress or an order by the Governor of the State of Ohio, is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each bi-weekly pay period during the leave of absence the difference between the employee's gross monthly wages or salary and the sum of the employee's gross uniform pay and allowances received during that bi-weekly period.

(d) No employee shall receive payments under subsection (c) hereof, if the sum of the employee's gross uniformed pay and allowances received in a pay period exceed the employee's gross wage or salary for that period or if the employee is receiving pay under subsection (b) hereof.

(e) Each employee who is entitled to leave provided under subsection (b) or (c) hereof shall submit to the permanent public employee's appointing authority the published order authorizing the call or order to the uniformed services or a

written statement from the appropriate military commander authorizing that service, prior to being credited with that leave.

(f) The City shall maintain or reactivate all medical, dental and prescription benefits of an employee who is entitled to leave provided under subsection (c) hereof at the request of the employee, the employee's spouse or the employee's dependent. The employee, spouse or dependent and the City shall continue to be liable for payment of the cost of said benefits as if the employee were not on a leave of absence.

is hereby repealed.

Section 2. New Section 149.16, Military Leave; Compensation, is hereby enacted to read as follows:

149.16 MILITARY LEAVE; COMPENSATION.

(a) All full-time, permanent, hourly employees and all annual, salaried employees shall be granted leaves of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each year in which they are performing service in the uniformed services.

(b) Any full-time, permanent, hourly employee or annual, salaried employee who is entitled to the leave provided under subsection (a) of this section, and who is called or ordered to the uniformed services for longer than a month, for each federal fiscal year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each biweekly pay period of that leave of absence, the lesser of (1) the difference between the employee's gross biweekly wage or salary as an employee and the sum of the employee's gross uniformed pay and allowances received in that pay period; or (2) two hundred fifty dollars.

(c) No employee shall receive payments under subsection (b) hereof, if the sum of the employee's gross uniformed pay and allowances received in a pay period exceed the employee's gross wage or salary for that period or if the employee is receiving pay under subsection (a) hereof.


(d) Each employee who is entitled to leave provided under subsection (b) hereof shall submit to the employee's appointing authority the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing that service, prior to being credited with that leave.

(e) The City shall maintain or reactivate all medical, dental and prescription benefits of an employee who is entitled to leave provided under subsection (b) hereof at the request of the employee, the employee's spouse or the employee's dependent. The employee, spouse or dependent and the City shall continue to be liable for payment of the cost of said benefits as if the employee were not on a leave of absence.

(f) As used in this section, "month" means twenty-two eight-hour work days or one hundred seventy-six hours, or for firefighters or emergency medical technicians, seventeen twenty-four-hour days or four hundred eight hours, within one fiscal year.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: 11/5/18


PRESIDENT

Marian M. Boeb
CLERK

Approved: November 6 2011


MAYOR