

Ordinance No. 1092-2023 AS AMENDED

By Mayor Bibb

AN EMERGENCY ORDINANCE

To amend Section 171.28 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 306-85, passed April 29, 1985, relating to vacation leave.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 171.28 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 306-85, passed April 29, 1985, is amended to read as follows:

Section 171.28 Vacation Leave

~~(a)~~ Each full-time City officer or employee, including full-time hourly rate employees, who has completed at least six (6) months but less than twelve (12) months of continuous service with the City on the first of January next following his or her date of employment, shall have earned and will be entitled upon the first of January next following his or her date of employment, one (1) day of vacation leave for each month of service with the City, not to exceed ten (10) days.

~~(b)~~(a) Each full-time City officer or employee, including full-time hourly rate employees, shall have earned and will be due upon the first of January next following the employee's completion of one (1) year of continuous service with the City, and annually thereafter, with thirty (30) days of continuous service with the City is entitled to two (2) weeks of vacation leave with full pay. A full-time City officer or employee with five (5) eight (8) or more years of continuous service with the City as of January first of any year shall have earned and is entitled to three (3) weeks of vacation leave with full pay. A full-time City officer or employee with twelve (12) or more years of continuous service with the City as of January first of any year shall have earned and is entitled to four (4) weeks of vacation leave with full pay. A full-time City officer or employee with twenty- two (22) years of continuous service with the City as of January 1 of any year shall have earned and is entitled to five (5) weeks of vacation leave with full pay.

(b) Each full-time City officer or employee, including full-time hourly rate employees, shall have earned and be entitled to additional vacation time for each month of service at the City computed by multiplying the number of weeks he or she is entitled to under subsection (a) of this section by ten percent (10%); or such other formula based on the City's current payroll system as approved by the Board of Control.

(c) The Mayor and the Clerk of Council, as appropriate, may in his/her discretion grant any person in the unclassified service of the City additional week(s) of vacation leave with full pay when he/she deems it necessary to successfully recruit or retain a person who possess the experience, training, or other relevant qualifications for any such positions.

~~(e)~~(d) A former elected official of the City of Cleveland, who becomes a full-time officer or employee, including a full-time hourly rate employee, shall have earned and will be credited with the time served in such elected office for the purpose of determining such officer's or employee's vacation time, as provided in subsection (a) and (b) of this section.

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~~(d)~~(e) (1) Upon separation from City service, an officer or employee shall be entitled to compensation at his or her then current rate of pay for vacation leave lawfully earned entitled pursuant to subsections (a) and (b) hereof and unused as of the date of separation.

~~(2)~~ Upon separation from City service, an officer or employee shall be entitled to compensation in lieu of vacation at his or her current rate of pay for each month of service in the year of separation, computed in accordance with the provisions (a) and (b) hereof.

~~(e)~~(f) An officer's or employee's service with the City shall not be deemed interrupted by authorized leaves of absence or by periods of lay-off. However, no vacation leave shall be earned under subsection (b) of this section by any officer or employee during a an unpaid leave of absence or lay-off period.

~~(f)~~(g) The provisions of this section shall not apply to hourly rate craft employees paid on the basis of building trades prevailing wages.

~~(g)~~(h) The provisions of this section shall not replace, amend, or deprive any employee of any vacation rights to which he or she may be entitled under the terms of any memorandum of understanding collective bargaining agreement between any union and the City approved by ordinance of Council.

~~(h)~~(i) ~~The Director of Human Resources, subject to the approval of the Board of Control, and the Clerk of Council shall promulgate procedures and regulations to carry out subsection (e):~~

(h)(i) The Director of Human Resources, subject to the approval of the Board of Control, shall promulgate procedures and regulations to carry out this Section 171.28 of the Codified Ordinances.

Section 2. That the amendments to the new subsection (a) shall be applied retroactively to January 1, 2023 to each full-time City officer or employee who is employed and has not given notice of separation from City service as of the effective date of this ordinance, except for the amendment to decrease the number of eight (8) years of continuous service to five (5) years of continuous service which shall be effective January 1, 2024 and shall not apply to any City officer or employee who has given notice of separation from City service prior to such date. That the new subsection (c) shall be applied retroactively.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law

SM:nl
9-25-2023
FOR: Mayor Bibb

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**REPORT
after second Reading**

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_____ **READ FIRST TIME** _____ **REPORTS**

and referred to _____

by the council _____

CITY CLERK

_____ **READ SECOND TIME** _____

by the council _____

CITY CLERK

_____ **READ THIRD TIME** _____

by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR