

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 109-10

Passed December 13, 2010

12/7/10
(Personnel & Safety)

Ordinance No. 109-10

An ordinance amending Ordinance No. 138-07, as amended, to provide an increase in the establishing compensation rates for part-time exempt and non-exempt personnel and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1: That there be and are hereby established the following hourly rates of compensation for part-time classifications of the City of North Canton and as noted bi-weekly and seasonal rates of pay:

| <u>Public Safety – FIRE / EMS</u> | Effective | Effective 1/1/2011 |
|-----------------------------------|-----------|-----------------------|
| Fire Prevention Chief | \$ 14.96 | \$ 14.96 |
| Fire Captain | \$ 14.60 | \$ 14.60 |
| Fire Captain / EMT – Paramedic | \$ 14.60 | \$ 14.60 |
| Fire Captain / EMT – Basic | \$ 14.60 | \$ 14.60 |
| EMT – Paramedic | \$ 14.60 | \$ 14.60 |
| Firefighter / EMT – Paramedic | \$ 14.60 | \$ 14.60 |
| Firefighter / EMT – Basic | \$ 14.13 | \$ 14.13 |
| Firefighter | \$ 14.13 | \$ 14.13 |
| EMT – Basic | \$ 14.13 | \$ 14.13 |
| EMT Personnel on Standby | \$ 2.21 | \$ 2.21 |

| | | |
|-------------------------------------|----------|----------|
| Manned at Station: | | |
| Firefighter / EMT - Paramedic/Basic | \$ 12.00 | \$ 12.00 |

EMT 's manned at station will not receive Standby Wages; hours will be a minimum of 5 hours/day, maximum of 10 hours/day, 30 hours/week.

| <u>Public Safety – Police</u> | Effective | Effective 1/1/2011 |
|-------------------------------|-----------|-----------------------|
| Dispatcher C | \$ 12.21 | \$ 12.21 |
| School Crossing Guard | \$ 11.77 | \$ 11.77 |
| Auxiliary Police | \$ 11.04 | \$ 11.04 |
| Special Patrolman | \$ 14.96 | \$ 14.96 |

Financial & Clerical

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|----------------------------|----------|----------|
| Fiscal/Clerical Specialist | \$ 11.88 | \$ 11.88 |
|----------------------------|----------|----------|

Department of Engineering

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|---------------------------|----------|----------|
| Special Project Inspector | \$ 16.82 | \$ 16.82 |
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Building & Permits

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| Building Inspector | \$ 24.08 | \$ 24.08 |
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| <u>Municipal Swimming Pool</u> | Effective | Effective 1/1/2011 |
|--------------------------------|----------------|-----------------------|
| Pool Director* | \$5,928.25 | \$5,928.25 |
| Assistant Pool Director* | \$4,398.67 | \$4,398.67 |
| Concession Stand Mgr.* | \$4,610.85 | \$4,610.85 |
| Pool Personnel | \$ 7.35 | \$ 7.40 |
| Lifeguard I | \$ 7.65 | \$ 7.65 |
| Lifeguard II | \$ 7.94 | \$ 7.94 |
| Lifeguard/Instructor I | \$ 8.53 | \$ 8.53 |
| Lifeguard/Instructor II | \$ 8.83 | \$ 8.83 |
| Head Lifeguard I | \$ 9.11 | \$ 9.11 |
| Head Lifeguard II | \$ 9.41 | \$ 9.41 |
| Pool Maintenance | \$ 7.35 | \$ 7.40 |

*Paid for Season

General Government

| | | |
|-----------------|----------------|----------------|
| Summer I | \$ 7.35 | \$ 7.40 |
| Summer II | \$ 7.94 | \$ 7.94 |
| Intern | \$ 9.27 | \$ 9.27 |

Recreation

| | | |
|---------------------------|-----------|-----------|
| Class "A" Instructor | \$ 11.00 | \$ 11.00 |
| Senior Program Director** | \$ 203.50 | \$ 203.50 |

**Paid bi-weekly

In the event the Senior Program Director works less than 20 hours in a bi-weekly pay period, the actual hours worked will be paid at his/her applicable hourly rate.

Section 2: That there be and is hereby established an overtime rate of time and one-half after a scheduled eight (8) hours or working a holiday for part-time police officers and part-time radio dispatchers.

Section 3: An annual uniform allowance shall be paid for the following positions:

Radio Dispatcher C

First year: \$200.00 paid at time of employment. Each year thereafter, \$200.00 to be paid January 20th.

Special Patrolman

First year: \$300.00 paid at time of employment. Each year thereafter, \$300.00 to be paid January 20th.

Auxiliary Patrolman

First year: \$150.00 paid at time of employment. Each year thereafter, \$150.00 to be paid January 20th.

Section 4: DRUG TESTING POLICY:

1. Drug screening or testing shall be conducted upon reasonable suspicion. This testing shall be conducted solely for administrative purposes and the results obtained shall not be used in any criminal proceeding. Under no circumstances may the results of the drug screening or testing be

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released to a third party for the use in criminal prosecution against the affected employee. The following procedures shall not preclude the employer from other administrative action.

2. Drug testing shall also be authorized when an employee is involved in an on-duty motor vehicle accident which results in bodily injuries to any vehicle occupants or the employee, or when the employee has discharged a weapon while on duty.

3. All drug screening tests shall be conducted by medical laboratories licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The procedures utilized by the testing lab shall correspond to accepted medical practice. Any positive result shall be confirmed by a mass spectrophotometer procedure (GS-MS), or any approved subsequent state-of-the-art confirmatory test.

4. Drug screening tests shall be given to employees to detect the illegal use of controlled substances as defined in Section 3719 of the Ohio Revised Code. If the initial screening is positive, the employee's sample shall be subjected to a confirmatory test that shall be administered by a medical laboratory licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The employee may have a second confirmatory test of the split sample done at a lab of his choosing, at his expense. This test shall be given the same evidentiary weight as the previous test, provided a neutral chain of custody remains unbroken.

a. If all the screening and confirmatory tests are positive, then the Bargaining Unit Member involved may be required to enter into rehabilitation referral. The City shall maintain the right to discipline the employee in addition to mandating rehabilitation.

b. Prior to any notification by the Employer for drug screening or testing, an employee may elect to participate in a rehabilitation or detoxification program, as determined by appropriate medical personnel. The cost of the program will be covered according to the provisions of the employee's health insurance plan.

c. An employee who participates in a rehabilitation or detoxification program shall be allowed to use sick leave, vacation leave, or personal days for the period of the rehabilitation. If no such leave credit is available, such employees shall be placed on leave of absence without pay for the period of the rehabilitation leave.

d. Upon completion of the program, and provided that a retest demonstrates that the employee is no longer illegally using a controlled substance, and/or subject to any disciplinary action that may be taken pursuant to this Article, the employee shall be returned to his position. Such employee may be subject to random retesting upon return to his position for a period of one (1) year from the date of his return.

e. Any employee in the above-mentioned rehabilitation program will not lose any seniority or benefits should it be necessary that he be required to take a medical leave of absence without pay for a period not to exceed ninety (90) days.

f. If an employee refused to undergo rehabilitation or detoxification pursuant to a lawful order, or he fails to complete a program of rehabilitation, or if he should test positive at any time within one (1) year after his return to work upon completion of the rehabilitation program, the employee shall be subject to disciplinary action.

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g. Except as otherwise provided herein, the cost of all drug screening shall be borne by the City.

h. For the purpose of this Article "periodic" shall mean not more than three times per year, except that a drug test may be performed at any time upon "reasonable suspicion" of drug use. An employee may be tested more frequently during the one (1) year period after his return from a rehabilitation program.

5. For the purpose of implementing the provisions of this Article, each Bargaining Unit Member shall execute medical releases in order for the City to obtain the results of the drug screening provided for in this Article. The release referred to in this Section shall authorize only the release of examination results pertaining to the drug screening test. Such medical releases shall be provided by the employer.

Section 5. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

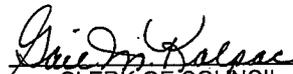
Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and is further necessary for the timely effectiveness of the wage increases; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed: 12/13/10


MAYOR

SIGNED: 12/13, 2010

ATTEST:


CLERK OF COUNCIL