

ORDINANCE NO. 174-13

BY: **SCOTT TUMA**
(By Request – Auditor)

AN ORDINANCE TO AMEND SECTION 173.02
“LEAVE OF ABSENCE FOR MILITARY
SERVICE” OF THE CODIFIED ORDINANCES
OF THE CITY OF PARMA, AND DECLARING
AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Section 173.02 “Leave of Absence for Military Service” of the Codified Ordinances of the City of Parma, which presently reads as follows:

“173.02 LEAVE OF ABSENCE FOR MILITARY SERVICE.

(a) All City employees who are members of the Ohio National Guard, the Ohio State Guard, the Ohio Naval Militia, or other reserve components of the Armed Forces of the United States shall be entitled to leave of absence from their respective duties for such time as they are in such military services on field training or active duty for periods not exceed thirty-one work days in any calendar year.

(b) (1) If a City employee’s military pay or compensation during such period of leave of absence is less than his or her City pay would have been for such period, he or she shall be paid by the City the difference in money between the City pay and his or her military pay for such period. In determining such employee’s military pay for the purposes of this section, allowances for travel, food or housing shall not be considered, but any other pay or allowances of any nature, including longevity pay, shall be considered.

(2) During times of military crisis, the benefit provided in this section may be extended beyond the thirty-one work day period set forth in subsection (a) hereof for such time as the military crisis continues. “Time of military crisis” shall be defined as that period of time declared by resolution of City Council to constitute a time of military crisis.

(c) Such leave of absence shall not affect the person’s rights to vacation leave, sick leave, bonuses or other normal benefits of his or her employment.

(d) In a time of military crisis, all City employees called to active duty shall be entitled to have their dependents continue to receive the health care benefits offered to those employees from the City.”

is hereby amended to read as follows:

“173.02 LEAVE OF ABSENCE FOR MILITARY SERVICE.

(a) All City employees who are members of the Ohio National Guard, the Ohio State Guard, the Ohio Naval Militia, or other reserve components of the Armed Forces of the United States shall be entitled to leave of absence from their respective duties for such time as they are in such military services on field training or active duty for periods not exceed thirty-one work days in any calendar year.

(b) (1) If a City employee’s military pay or compensation during such period of leave of absence is less than his or her City pay would have been for such period, he or she shall be paid by the City the difference in money between the City pay and his or her military pay for such period. In determining such employee’s military pay for the purposes of this section, allowances for travel, food or housing shall not be considered, but any other pay or allowances of any nature, including longevity pay, shall be considered.

(2) During times of military crisis, the benefit provided in this section may be extended beyond the thirty-one work day period set forth in subsection (a) hereof for such time as the military crisis continues. "Time of military crisis" shall be defined as that period of time declared by resolution of City Council to constitute a time of military crisis.

- (3) **A. Before the City employee commences such leave, he/she must provide the payroll department with accurate military pay information for the period he/she will be in such military service whether on field training or on active duty.**
- B. Accurate military pay information must include all allowances, with a description of each. The City will determine which of these allowances shall be considered when determining the difference between City pay and military pay.**
- C. If the employee fails to provide the payroll department with this information prior to commencing their leave, then all time off will be without pay.**
- D. Within thirty (30) days of returning to work, the City employee shall be required to provide copies of all military pay stubs to the payroll department. These stubs must include all military pay received while on leave of absence from their position with the City of Parma. Failure to provide such copies of military pay stubs shall result in forfeiture of any pay pursuant to subsection (b)(1).**

(c) Such leave of absence shall not affect the person's rights to vacation leave, sick leave, bonuses or other normal benefits of his or her employment.

(d) In a time of military crisis, all City employees called to active duty shall be entitled to have their dependents continue to receive the health care benefits offered to those employees from the City."

Section 2. That Section 173.02 "Leave of Absence for Military Service" of the Codified Ordinances of the City of Parma, as it existed heretofore, is hereby repealed.

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

Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to make this amendment in the near future, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____ MAYOR, CITY OF PARMA, OHIO