

**ORDINANCE NO. 2014-119**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH A.F.S.C.M.E. LOCAL 1197 AMENDING THE CURRENT COLLECTIVE BARGAINING AGREEMENT RELATIVE TO ACCUMULATED SICK LEAVE PAYABLE UPON RETIREMENT**

**WHEREAS**, the daily operations of the City of Ashtabula and the City Finance Division require the enactment of this legislation; and,

**WHEREAS**, it is necessary to supervise and compensate the employees of the City in a fair and efficient manner, consistent with the negotiated agreements with the unions representing the city employees in the various Divisions, in order to perform the essential functions of local government and support and protect the health, safety and welfare of the citizens;

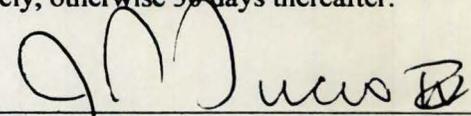
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Ashtabula, Ohio:

**SECTION 1.** That the City Manager be, and he is hereby, authorized to enter into the "Memorandum of Understanding" attached hereto as an Exhibit, which amends the current Collective Bargaining Agreement with A.F.S.C.M.E. Local 1197 relative to accumulated sick leave payable upon retirement.

**SECTION 2.** It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of R. C. Section 121.22.

**SECTION 3.** For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

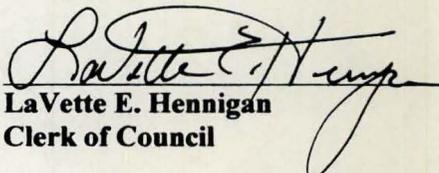
PASSED: July 21, 2014

  
J.P. Ducro IV  
President of Council

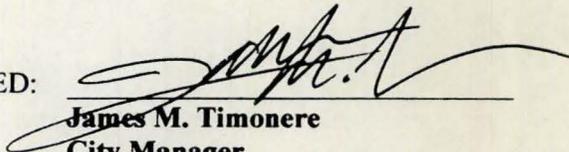
**Vote:**

	Yea	Nay
Ducro:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McClure:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Balog:	<input type="checkbox"/>	<input type="checkbox"/>
Pugliese:	<input type="checkbox"/>	<input type="checkbox"/>
Cook:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Misener:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hamrick:	<input type="checkbox"/>	<input type="checkbox"/>

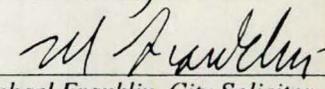
ATTEST:

  
LaVette E. Hennigan  
Clerk of Council

APPROVED:

  
James M. Timonere  
City Manager

Approved as to form and correctness this 21 day of July, 2014.

  
Michael Franklin, City Solicitor

**Memorandum of Understanding**

BETWEEN  
THE CITY OF ASHTABULA, OHIO  
AND  
LOCAL 1197 OF THE AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, OHIO COUNCIL 8, AFL-CIO

Replace Article XX Section 1, D Conversion of Sick Leave:

**ARTICLE XX**  
**CONVERSION OF SICK LEAVE**

**Section 1. Sick Pay Upon Retirement or Death**

D. Payment of sick leave shall be made at the average regular hourly rate (40 hour work week assumed) received by the employee during the twelve months immediately preceding the effective date of his or her retirement.

WITH

**ARTICLE XX**  
**CONVERSION OF SICK LEAVE**

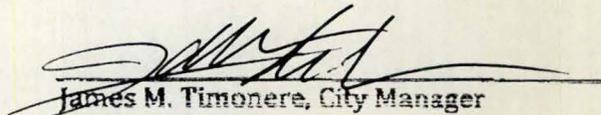
**Section 1. Sick Pay Upon Retirement or Death**

D. Payment of sick leave shall be made using a weighted average of the employee's bidded regular hourly rate (40 hour work week assumed) received by the employee during the 365 days immediately preceding the effective date of his or her retirement.

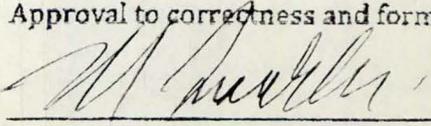
**Example:** \$18.00/hr for 100 days, or 27% of 365 day year.  
\$19.00/hr for 265 days or 73% of 365 day year.  
**(\$18.00 x .27) + (\$19.00 x .73) = \$18.73 rate used for payment**

*It is further understood this Memorandum of Understanding and change in Bargaining Agreement language is applicable only to employees retiring after March 27, 2014, and has no effect on those who have already retired or no longer work for the City of Ashtabula.*

  
\_\_\_\_\_  
David Wood, President  
AFSCME Local #1197

  
\_\_\_\_\_  
James M. Timonere, City Manager  
City of Ashtabula

  
\_\_\_\_\_  
Debbie Bindas  
AFSCME Representative

Approval to correctness and form:  
  
\_\_\_\_\_  
Michael Franklin, City Solicitor  
City of Ashtabula

\_\_\_\_\_  
Date