



VILLAGE OF EVENDALE  
ADOPTED ORDINANCES AND RESOLUTIONS

The following ordinances and resolutions were adopted by the Council of the Village of Evendale at its Regular Council Meeting on November 3, 2022.

**ORD #22-77**

AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND TO THE TAX DEPARTMENT AND DECLARING AN EMERGENCY. (Unanimously Approved)

**ORD #22-78**

AN ORDINANCE APPROVING A TRANSFER FROM THE CONTINGENCY FUND TO THE ADMINISTRATIVE DEPARTMENT AND DECLARING AN EMERGENCY. (Unanimously Approved)

**ORD #22-79**

AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE GENERAL FUND TO COMPLETE A TRANSFER TO THE SERVICE DEPARTMENT FOR APPROPRIATION OF EMERGENCY REPAIR WORK AND DECLARING AN EMERGENCY. (Unanimously Approved)

**ORD #22-80**

AN ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF FUNDS AND DECLARING AN EMERGENCY. (Unanimously Approved)

**ORD #22-81**

ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH THE LOWEST AND BEST BIDDER FOR OPERATION OF THE MUNICIPAL POOL AND DECLARING AN EMERGENCY. (Unanimously Approved)

**ORD #22-82**

ORDINANCE AUTHORIZING MAYOR TO EXERCISE THE OPTION YEARS 2023 AND 2024 CONTAINED IN THE CONTRACT WITH FITMEES, LLC FOR THE OPERATION OF THE FITNESS CENTER AUTHORIZED BY ORDINANCE 20-76 AND DECLARING AN EMERGENCY. (Unanimously Approved)

**ORD #22-83**

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 258 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF EVENDALE, DEFINING VILLAGE HOLIDAYS FOR FIRE DEPARTMENT PERSONNEL AND ESTABLISHING A 48-HOUR WORK WEEK FOR FIREFIGHTERS. (Unanimously Approved)

**ORD #22-84**

AN ORDINANCE APPROVING OVERTIME POLICY FOR TEN-DAY GAP PERIOD CREATED BY ORDINANCE AMENDING CHAPTER 258 AS TO FIREFIGHTER WORK WEEK HOURS. (Unanimously Approved)

**VILLAGE OF EVENDALE, OHIO**  
**ORDINANCE #22-77**

**AN ORDINANCE APPROVING A TRANSFER FROM THE  
CONTINGENCY FUND TO THE TAX DEPARTMENT AND  
DECLARING AN EMERGENCY**

**WHEREAS,** Pursuant to legislation properly adopted by the Council of the Village of Evendale, certain expenditures will take place that need to be appropriately reflected as an appropriation; and,

**WHEREAS,** There is not sufficient funding in payroll accounts to finish out the year; and

**WHEREAS,** Funding is available in the contingency line item to supplement the funds necessary; now

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

**SECTION 1:** The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$4,000.00
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To the 750 Tax Department:

101.750.521110	Salaries Full Time	\$4,000.00
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**SECTION 2:** These appropriated funds are authorized to be expended for payment of wages and benefits in the tax department.

**SECTION 3:** This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the public welfare and daily operations of the Village require that line items within Fund budgets not exceed the appropriation amounts approved by Council and it is in the public interest to provide funding for employee wages. This ordinance shall be effective upon passage.

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: November 8, 2022  
Rules Suspended: November 8, 2022  
2nd and 3rd Reading: November 8, 2022  
Emergency Section Agreed to: November 8, 2022



**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #22-78**

**AN ORDINANCE APPROVING A TRANSFER FROM THE  
CONTINGENCY FUND TO THE ADMINISTRATIVE  
DEPARTMENT AND DECLARING AN EMERGENCY**

- WHEREAS,** Pursuant to legislation properly adopted by the Council of the Village of Evendale, certain expenditures will take place that need to be appropriately reflected as an appropriation; and,
- WHEREAS,** The price of gas has increased dramatically during the year; and
- WHEREAS,** Funds are required to supplement the expense line item in order to pay for fuel for Village vehicles; and
- WHEREAS,** Funding is available in the contingency line item to supplement the funds necessary; now

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

**SECTION 1:** The following sum is transferred from the General Fund Contingency Fund account:

101.799.579900	\$12,000.00
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To the 701 Administrative Department:

101.701.524220	Vehicle Fuel all departments	\$12,000.00
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**SECTION 2:** These appropriated funds are authorized to be expended for purchase of fuel in the Administrative Department.

**SECTION 3:** This ordinance is declared to be an emergency measure by a concurrence of six members of Council, it being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale, or to provide for the daily operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the public welfare and daily operations of the Village require that line items within Fund budgets not exceed the appropriation amounts approved by Council and it is in the public interest to provide funding for fuel costs of Village vehicles. This ordinance shall be effective upon passage.

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: November 8, 2022  
Rules Suspended: November 8, 2022  
2nd and 3rd Reading: November 8, 2022  
Emergency Section Agreed to: November 8, 2022



**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #22-79**

**AN ORDINANCE APPROVING AN ADDITIONAL  
APPROPRIATION IN THE GENERAL FUND TO COMPLETE A  
TRANSFER TO THE SERVICE DEPARTMENT FOR  
APPROPRIATION OF EMERGENCY REPAIR WORK AND  
DECLARING AN EMERGENCY**

- WHEREAS,** Pursuant to legislation properly adopted by the Council of the Village of Evendale, certain expenditures will take place that need to be appropriately reflected as appropriations; and
- WHEREAS,** The traffic control box for the intersection of Cooper road and Reading road intersection traffic light signals was damaged in a car accident; and
- WHEREAS,** The cost of this significant repair was not in the original 2022 budget; and
- WHEREAS,** Funds are available in the General fund; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

**SECTION I** The following sum is appropriated from the unappropriated General Fund (101) to the following line:

101.799.599999 Transfer Out            \$55,000.00

And then transferred into the Service Department line:

201.000.499999 Transfer In            \$55,000.00

And appropriated to accounts:

201.201.523521 Street Repairs        \$30,000.00

201.201.524200 Operating Expense   \$25,000.00

**SECTION II** This ordinance is declared to be an emergency by a concurrence of six members of Council, being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale or to provide for the daily operations of a department or office of the Village of Evendale. It is necessary that this measure be put into effect immediately because the public welfare and daily operations of the Village require that line items within the general fund budget not exceed the appropriation amounts approved by Council and it is in the public interest for the traffic lights in the Village to be operational. This ordinance shall be effective upon passage.

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

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Village Clerk

Approved as to Form:

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Village Law Director

1st Reading: November 8, 2022

Rules Suspended: November 8, 2022

2nd and 3rd Reading: November 8, 2022

Emergency Section Agreed to: November 8, 2022

Notice of publication: Cincinnati Court Index, November 16, 2022

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #22 -80**

**AN ORDINANCE AUTHORIZING THE PAYMENT OF AMOUNTS DUE UPON  
CERTAIN CONTRACTS REQUIRING CERTIFICATION OF AVAILABILITY OF  
FUNDS AND DECLARING AN EMERGENCY.**

**WHEREAS,** Ohio Revised Code 5705.41(D)(1) provides that where contracts have not been previously certified for sufficient funds being available, Village Council may authorize the drawing of warrants to pay such contracts upon receipt of a certificate from the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, and

**WHEREAS,** Certain contracts enumerated below are now due and payable for which such a certificate has been provided by the Chief Fiscal and Accounting Officer;

**NOW STHEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:**

**SECTION I** The Council of the Village of Evendale hereby approves and authorizes the payment of the following contracts for which the Chief Fiscal and Accounting Officer has provided a certificate that a sufficient sum has been appropriated for the purpose of each contract and is in the treasury or in the process of collection to the credit of the appropriate fund free from any previous encumbrances:

- 1) Motorola Solutions snow truck radio - \$3,095.94
- 2) All Safe Industries-medical equipment - \$3805.16

**SECTION II** This Ordinance is declared to be an emergency by a concurrence of six members of Council, being necessary to preserve the public peace, order, safety, health and welfare of the Village or to provide for the daily operation of a department or office of the Village. The reason for said emergency is the need to approve this ordinance in the time required by the Ohio Revised Code and to ensure prompt payment to vendors. Therefore, this Ordinance shall be effective upon adoption.

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: November 8, 2022

Rules Suspended: November 8, 2022

2nd and 3rd Reading: November 8, 2022

Emergency Section Agreed to: November 8, 2022

Notice of publication: Cincinnati Court Index, November 16, 2022



**VILLAGE OF EVENDALE  
ORDINANCE #22-81**

**ORDINANCE AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH  
THE LOWEST AND BEST BIDDER FOR OPERATION OF THE MUNICIPAL  
POOL AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Evendale has received a bid for the Operation of the Municipal Pool after advertising in a newspaper of general circulation in the Village of Evendale.

**BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO**, six members concurring that:

**SECTION 1:** The bid of SwimSafe Pool Management, Inc., in the amount of \$244,500.00 for 2023, is hereby accepted. In addition, the contract may be extended for up to four additional one-year contract periods beginning with the 2024 pool season through the end of the 2027 pool season. The Mayor is authorized to enter into a contract with SwimSafe Pool Management, Inc., for the years 2024-2027, if Evendale and SwimSafe Pool Management, Inc. reach mutual terms of agreement to extend prior to September 30<sup>th</sup> of each year.

**SECTION 2:** This ordinance is declared to be an emergency by a concurrence of -- members of Council, being necessary to preserve the public peace, order, safety, health or welfare of the Village of Evendale or to provide for the daily operation of a department or office of the Village of Evendale. It is necessary that this measure be put into immediate effect because the public health and welfare requires that the Village have a pool management system in place immediately to prepare the pool for 2023 operations and to insure the pool is open in a timely fashion. This ordinance shall be effective upon passage.

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: November 8, 2022  
Rules Suspended: November 8, 2022  
2nd and 3rd Reading: November 8, 2022  
Emergency Section Agreed to: November 8, 2022  
Notice of publication: Cincinnati Court Index, November 16, 2022

**VILLAGE OF EVENDALE  
ORDINANCE #22-82**

**ORDINANCE AUTHORIZING MAYOR TO EXERCISE THE OPTION YEARS 2023 AND  
2024 CONTAINED IN THE CONTRACT WITH FITMEES, LLC FOR  
THE OPERATION OF THE FITNESS CENTER AUTHORIZED BY ORDINANCE 20-76  
AND DECLARING AN EMERGENCY**

**WHEREAS,** the Village of Evendale approved a 2 year contract with Fitmees, LLC for the operation of the fitness center via Ordinance 20-76; and,

**WHEREAS,** that contract contained 2 option years, 2023 and 2024; and

**WHEREAS,** Section 2 of Ordinance 20-76 specifically authorizes the Mayor, with concurrence of Council, to enter into options for calendar years 2023 and 2024; and

**WHEREAS,** the Council concurs with the Mayor's determination to exercise those option years.

**BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF  
EVENDALE, STATE OF OHIO, six members concurring that:**

**SECTION 1:** Council of the Village of Evendale concurs with the Mayor's decision to exercise option years 2023 and 2024 of the contract with Fitmees, Inc. for operation of the fitness center authorizes the Mayor to so proceed

**SECTION 2:** This Ordinance is declared to be an emergency measure necessary to preserve the safety, health and welfare of the Village of Evendale or to provide for the daily operation of a department or office of the Village. The reason for said emergency is that the current contract with Fitmees, LLC will expire at the end of the calendar year and it is necessary to ensure that the operation of the fitness center continue beyond that date. Therefore, this ordinance shall be effective upon passage.

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: November 8, 2022

Rules Suspended: November 8, 2022

2nd and 3rd Reading: November 8, 2022

Emergency Section Agreed to: November 8, 2022

Notice of publication: Cincinnati Court Index, November 16, 2022

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #22-83**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 258  
OF THE CODIFIED ORDINANCES OF THE VILLAGE OF EVENDALE,  
DEFINING VILLAGE HOLIDAYS FOR FIRE DEPARTMENT  
PERSONNEL AND ESTABLISHING A 48-HOUR WORK WEEK FOR  
FIREFIGHTERS.**

**WHEREAS,** The Village staff and the Mayor have recommended a modification to the Village's Holiday Pay policy for Fire Department Personnel; and

**WHEREAS,** The Village staff and the Mayor have recommended a change from a 53-hour work week to a 48-hour work week for Firefighters; now therefore

**WHEREAS,** The change is to take effect on January 2, 2023.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

**SECTION 1:** Section 258.020, Definitions, subsection (n), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.020 shall remain as written; and

**SECTION 2:** Section 258.055, Work Period, subsection (d), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.055 shall remain as written; and

**SECTION 3:** Section 258.057, Overtime, subsection (b), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.057 shall remain as written; and

**SECTION 4:** Section 258.059, Compensatory Time in Lieu of Overtime Pay for Sworn Fire Department Personnel, subsections (b), (c), and (d), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.059 shall remain as written; and

**SECTION 5:** Section 258.0561, Shift and Work Day Trades, subsection (g), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.061 shall remain as written; and

**SECTION 6:** Section 258.113, Holiday Pay for Fire Department Personnel, of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein; and

**SECTION 7:** All other Sections of Chapter 258 not included in Exhibit A shall hereby remain as written;

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: November 8, 2022  
Rules Suspended: November 8, 2022  
2nd and 3rd Reading: November 8, 2022  
Notice of publication: Cincinnati Court Index, November 16, 2022

**EXHIBIT A**  
**to Ord. # 22 - 83**

**258.020 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\*\*\*

(n) "Kelly Day." A day off given to firefighters in order to comply with the Fair Labor Standards Act (Appendix C). Without the Kelly Days, overtime would have to be paid to each firefighter each time they worked more than 144 hours over a 21 day period.

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**258.055 WORK PERIOD.**

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(d) The Fire Department work period for firefighters shall consist of 144 hours within 21 days as determined by the Chief and shall average 48 hours per week over a period of one year.

\*\*\*

**258.057 OVERTIME.**

The Village shall keep work in excess of established schedules to a minimum and permit such work only when it is necessary to meet urgent operating requirements of the Village; however, all employees are required to work overtime when so directed.

\*\*\*

(b) All non-exempt personnel shall receive overtime compensation, either in pay or compensatory time, in accordance with the following applicable methods:

(1) Firefighters shall be compensated 1½ their normal hourly rate for all hours worked in excess of 144 hours in a 21 day work period;

(2) Police Officers shall be compensated 1½ times their normal hourly rate for all hours worked in excess of 40 hours in a seven-day work period;

(3) In the event non-exempt employees are called in or called back to work hours which do not abut their assigned shift, they shall be guaranteed a minimum of four hours work for each call-in or call-back;

(4) Non-exempt employees shall be compensated 1½ times their normal hourly rate for all hours worked in excess of their normal work week Monday through Saturday;

(5) Non-exempt full-time employees, except for sworn police and fire personnel, shall be compensated at two times their normal rate of pay for all hours worked on Sundays and recognized Village holidays;

(6) Non-exempt part-time and seasonal employees shall be compensated 1½ times their normal rate of pay for all hours worked on Sundays and recognized Village holidays;

(7) For all non-exempt employees, overtime shall be computed on the basis of actual hours worked, holiday hours, or vacation hours during the work period as defined herein.

**258.059 COMPENSATORY TIME IN LIEU OF OVERTIME PAY FOR SWORN FIRE DEPARTMENT PERSONNEL.**

\*\*\*

**(b) *Overtime.***

(1) Whenever full-time sworn employees of the Fire Department are authorized to work in excess of 144 hours within the 21 day work period, the person may have their choice of overtime pay or compensatory time at 1½ times hours in excess of the 144 hours, computed and recorded in 15 minute increments. Overtime records shall be kept electronically.

(2) Generally, overtime pay or compensatory time may be approved for the following duties:

- A. Hours worked when personnel are called in to work for emergencies on off-days or on off-duty hours;
  - B. Attendance in court;
  - C. Any special event or training which is an extension of fire services and approved for pay by a supervisor in advance.
- (3) Personnel shall only be compensated for overtime hours worked that have been authorized by their supervisor, documented electronically, and where the employee actually works more than 144 hours in a 21 day work period.

**(c) *Notification of use.***

- (1) Sworn fire personnel who desire to use any compensatory time as provided for herein must give the Fire Chief or designee as much advance notice of this request as possible. Requests of less than 48 hours will be granted only in unusual circumstances or in an emergency situation.
- (2) The granting of the use of any compensatory time shall not interfere with the effective and efficient operation of the department.
- (3) All overtime and compensatory time earned during the calendar year must be used or paid as specified in this procedure prior to the last date of February in the succeeding year. No overtime, compensatory time, or vacation time will be carried over beyond that date which was accrued during the prior calendar year.
- (4) Compensatory time used shall not be counted as hours worked in any 21-day work period.

**(d) *Maximum accumulation of compensatory time.*** The maximum amount of compensatory time that can be accumulated by any person shall be as follows:

- (1) No more than 48 hours may be carried in the employee's comp time bank during a calendar year. Any overtime earned after a person has reached this maximum must be taken in overtime pay;
- (2) No more than 48 hours may be carried from December 1 to the last day of February each year. Furthermore, all compensatory time to be taken during December must be scheduled and approved prior to December 7 of each year. Any compensatory time not scheduled and approved by a supervisor by that date shall be redeemed as overtime pay.

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**258.061 SHIFT AND WORK DAY TRADES.**

Employees of the Fire and Police Departments may be granted the privilege of trading work shifts or work days provided the following criteria are met. At the discretion of the department head, previously approved trades taken in order to attend previously approved education courses will not be counted when referring to total number of trades allowed per year.

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- (g) Trades of Kelly Days in the Fire Department may be permitted at the discretion of the Fire Chief. In no case may a Kelly Day be traded outside the 21 day period, and in no case may a Kelly Day be traded between shifts.

**258.113 HOLIDAY PAY FOR FIRE DEPARTMENT PERSONNEL.**

- (a) All full-time fire department personnel, except the Chief, shall be Paid 1 ½ times their hourly rate for any Village-recognized holidays worked as a normal shift, this pay will occur on the actual day listed not the recognized day that other employees have off. The Village-recognized holidays are as follows: New Year's Day; Martin Luther King, Jr. Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the day after Thanksgiving; Christmas Day; the day after Christmas; and Veterans Day. If there is a requirement for overtime personnel on a village holiday, the personnel will be compensated at 1 ½ times their normal hourly rate.

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #22-83**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 258  
OF THE CODIFIED ORDINANCES OF THE VILLAGE OF EVENDALE,  
DEFINING VILLAGE HOLIDAYS FOR FIRE DEPARTMENT  
PERSONNEL AND ESTABLISHING A 48-HOUR WORK WEEK FOR  
FIREFIGHTERS.**

**WHEREAS,** The Village staff and the Mayor have recommended a modification to the Village’s Holiday Pay policy for Fire Department Personnel; and

**WHEREAS,** The Village staff and the Mayor have recommended a change from a 53-hour work week to a 48-hour work week for Firefighters; now therefore

**WHEREAS,** The change is to take effect on January 2, 2023.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

**SECTION 1:** Section 258.020, Definitions, subsection (n), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.020 shall remain as written; and

**SECTION 2:** Section 258.055, Work Period, subsection (d), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.055 shall remain as written; and

**SECTION 3:** Section 258.057, Overtime, subsection (b), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.057 shall remain as written; and

**SECTION 4:** Section 258.059, Compensatory Time in Lieu of Overtime Pay for Sworn Fire Department Personnel, subsections (b), (c), and (d), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.059 shall remain as written; and

**SECTION 5:** Section 258.0561, Shift and Work Day Trades, subsection (g), of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein. All other sections and subsections of 258.061 shall remain as written; and

**SECTION 6:** Section 258.113, Holiday Pay for Fire Department Personnel, of the Codified Ordinances of the Village of Evendale, shall hereby be amended as shown in Exhibit A, attached hereto and incorporated by reference herein; and

**SECTION 7:** All other Sections of Chapter 258 not included in Exhibit A shall hereby remain as written;

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: November 8, 2022  
Rules Suspended: November 8, 2022  
2nd and 3rd Reading: November 8, 2022  
Notice of publication: Cincinnati Court Index, November 16, 2022



**EXHIBIT A**  
**to Ord. # 22 - 83**

**258.020 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

\*\*\*

(n) "Kelly Day." A day off given to firefighters in order to comply with the Fair Labor Standards Act (Appendix C). Without the Kelly Days, overtime would have to be paid to each firefighter each time they worked more than 144 hours over a ~~19~~ 21 day period.

\*\*\*

**258.055 WORK PERIOD.**

\*\*\*

(d) The Fire Department work period for firefighters shall consist of 144 hours within ~~19~~ 21 days as determined by the Chief and shall average ~~53~~ 48 hours per week over a period of one year.

\*\*\*

**258.057 OVERTIME.**

The Village shall keep work in excess of established schedules to a minimum and permit such work only when it is necessary to meet urgent operating requirements of the Village; however, all employees are required to work overtime when so directed.

\*\*\*

(b) All non-exempt personnel shall receive overtime compensation, either in pay or compensatory time, in accordance with the following applicable methods:

(1) Firefighters shall be compensated 1½ their normal hourly rate for all hours worked in excess of 144 hours in a ~~19~~ 21 day work period;

(2) Police Officers shall be compensated 1½ times their normal hourly rate for all hours worked in excess of 40 hours in a seven-day work period;

(3) In the event non-exempt employees are called in or called back to work hours which do not abut their assigned shift, they shall be guaranteed a minimum of four hours work for each call-in or call-back;

(4) Non-exempt employees shall be compensated 1½ times their normal hourly rate for all hours worked in excess of their normal work week Monday through Saturday;

(5) Non-exempt full-time employees, except for sworn police and fire personnel, shall be compensated at two times their normal rate of pay for all hours worked on Sundays and recognized Village holidays;

(6) Non-exempt part-time and seasonal employees shall be compensated 1½ times their normal rate of pay for all hours worked on Sundays and recognized Village holidays;

(7) For all non-exempt employees, overtime shall be computed on the basis of actual hours worked, holiday hours, or vacation hours during the work period as defined herein.

**258.059 COMPENSATORY TIME IN LIEU OF OVERTIME PAY FOR SWORN FIRE DEPARTMENT PERSONNEL.**

\*\*\*

(b) *Overtime.*

(1) Whenever full-time sworn employees of the Fire Department are authorized to work in excess of 144 hours within the ~~19~~ 21 day work period, the person may have their choice of overtime pay or compensatory time at 1½ times hours in excess of the 144 hours, computed and recorded in 15 minute increments. Overtime records shall be kept electronically.

(2) Generally, overtime pay or compensatory time may be approved for the following duties:

A. Hours worked when personnel are called in to work for emergencies on off-days or on off-duty hours;

B. Attendance in court;

C. Any special event or training which is an extension of fire services and approved for pay by a supervisor in advance.

(3) Personnel shall only be compensated for overtime hours worked that have been authorized by their supervisor, documented electronically, and where the employee actually works more than 144 hours in a ~~19~~ 21 day work period.

(c) *Notification of use.*

(1) Sworn fire personnel who desire to use any compensatory time as provided for herein must give the Fire Chief or designee as much advance notice of this request as possible. Requests of less than 48 hours will be granted only in unusual circumstances or in an emergency situation.

(2) The granting of the use of any compensatory time shall not interfere with the effective and efficient operation of the department.

(3) All overtime and compensatory time earned during the calendar year must be used or paid as specified in this procedure prior to the last date of February in the succeeding year. No overtime, compensatory time, or vacation time will be carried over beyond that date which was accrued during the prior calendar year.

(4) Compensatory time used shall not be counted as hours worked in any ~~19~~ 21 day work period.

(d) *Maximum accumulation of compensatory time.* The maximum amount of compensatory time that can be accumulated by any person shall be as follows:

(1) No more than 48 hours may be carried in the employee's comp time bank during a calendar year. ~~accumulated from January 1 to May 31 of each calendar year.~~ Any overtime earned after a person has reached this maximum must be taken in overtime pay;

~~(2) No more than 48 hours may be accumulated and/or carried from June 1 to November 30 of each calendar year. Any overtime earned after a person has reached this maximum must be taken in overtime pay;~~

(2) (3) No more than 48 hours may be carried from December 1 to the last day of February each year. Furthermore, all compensatory time to be taken during December must be scheduled and approved prior to December 7 of each year. Any compensatory time not scheduled and approved by a supervisor by that date shall be redeemed as overtime pay.

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#### **258.061 SHIFT AND WORK DAY TRADES.**

Employees of the Fire and Police Departments may be granted the privilege of trading work shifts or work days provided the following criteria are met. At the discretion of the department head, previously approved trades taken in order to attend previously approved education courses will not be counted when referring to total number of trades allowed per year.

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(g) Trades of Kelly Days in the Fire Department may be permitted at the discretion of the Fire Chief. In no case may a Kelly Day be traded outside the ~~19~~ 21 day period, and in no case may a Kelly Day be traded between shifts.

#### **258.113 HOLIDAY PAY FOR FIRE DEPARTMENT PERSONNEL.**

(a) All full-time fire department personnel, except the Chief, shall be ~~entitled to 96 hours of holiday time per year. At the beginning of each year personnel shall choose their holidays with their assigned units for that calendar year. Holiday scheduling cannot create personnel shortages resulting in overtime. Fire Department personnel granted 96 hours of holiday time who retire or are separated from employment for any reason before December 26 of the year, shall reimburse the Village for the use of any such time that exceeds 9.6 hours multiplied by the number of Village-observed holidays that have actually taken place during the calendar year prior to the date of separation. Payroll shall adjust the amount of holiday equivalent time earned or taken in the employee's last paycheck.~~ Paid 1 ½ times their hourly rate for any Village-recognized holidays worked as a normal shift, this pay will occur on the actual day listed not the recognized day that other employees have off. The Village-recognized holidays are as follows: New Year's Day; Martin Luther King, Jr. Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the day after Thanksgiving; Christmas Day; the day after Christmas; and Veterans Day. If there is a requirement for overtime personnel on a village holiday, the personnel will be compensated at 1 ½ times their

normal hourly rate.

**VILLAGE OF EVENDALE, OHIO  
ORDINANCE #22-84**

**AN ORDINANCE APPROVING OVERTIME POLICY FOR TEN-DAY GAP  
PERIOD CREATED BY ORDINANCE AMENDING CHAPTER 258 AS TO  
FIREFIGHTER WORK WEEK HOURS.**

- WHEREAS,** The Village staff and the Mayor have recommended a modification to the Village's Holiday Pay policy for Fire Department Personnel; and
- WHEREAS,** The Village staff and the Mayor have recommended a change from a 53-hour work week to a 48-hour work week for Firefighters, and such ordinance, passed by Council as Ordinance # 22 -84 is to become effective on January 2, 2023; and
- WHEREAS,** the last day of the 19-day cycle will be December 22, 2022 and the first day of the 21-day cycle adopted under Ordinance # 22 - 84 will be January 2, 2023, which results in a ten-day gap between the two periods; and
- WHEREAS,** any firefighter working an overtime shift during that ten-day gap will need their benefits clarified; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EVENDALE, STATE OF OHIO, six members concurring, that:

- SECTION 1:** Any firefighter who works overtime during the period of December 22, 2022 through January 1, 2023 shall be paid at the 1 ½ time rate, and the 144-hour rule within Chapter 258 of the Evendale Code of Ordinance should be disregarded for that period; and
- SECTION 2:** This ordinance shall become effective on the earliest day permitted by law.

Approved November 8, 2022

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Approved as to Form:

\_\_\_\_\_  
Village Law Director

1st Reading: November 8, 2022

Rules Suspended: November 8, 2022

2nd and 3rd Reading: November 8, 2022

Emergency Section Agreed to: November 8, 2022

Notice of publication: Cincinnati Court Index, November 16, 2022