



## Legislation Details (With Text)

**File #:** O-599-23      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 9/26/2023      **In control:** Human Resources Department  
**On agenda:** 11/21/2023      **Final action:** 11/21/2023

**Title:** Amending multiple sections of Chapter 2101 of the Toledo Municipal Code to modernize its terms and reflect current practices, policies, and procedures.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1, 2. Presentation, Finance Comm, Nov.pdf, 3. Video: Agenda Review 10/31/2023, 4. Video: City Council 11/8/2023, 5. Video: Agenda Review 11/14/2023, 6. Video: City Council 11/21/2023

Date	Ver.	Action By	Action	Result
11/21/2023	1	City Council	Passage	Pass
11/8/2023	1	City Council	First Reading	Pass

DEPARTMENT OF HUMAN RESOURCES

Michael Niedzielski (x2182)

Revised

**Amending multiple sections of Chapter 2101 of the Toledo Municipal Code to modernize its terms and reflect current practices, policies, and procedures.**

### SUMMARY & BACKGROUND:

Toledo Municipal Code Chapter 2101 governs the terms and conditions of employment for the City of Toledo's Classified Exempt and Executive Exempt employees. This Ordinance amends thirty-four (34) Sections, repeals five (5) Sections, and enacts two (2) new Sections of this Chapter of the Toledo Municipal Code.

All updated Sections herein will be effective at the earliest period allowable by law; however, the new Section 2101.36 "Vacations" will be effective January 1, 2024. Exhibit 1 details the changes to the current versions of the affected Code Sections.

This amendment modernizes the Toledo Municipal Code to reflect the current classifications, practices, nomenclature, and wages for Exempt employees, as well as replicates recent updates that were made to the collective bargaining agreements that impact or are impacted by this Chapter of the Code. Moreover, these changes are being made to support the retention and recruitment of talented professionals, increase employee morale, and sustain the current initiatives of the department or division.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code Section 2101.01 which states as follows:

2101.01 Classifications.

The employees working in classifications listed in this section comprise the Exempt Service and are the management level, supervisory and confidential staff of the Departments of Finance, Toledo Police Department and Toledo Fire and Rescue.

Employees working in these classifications are excluded from representation by any bargaining agent.

The management level, supervisory and confidential classifications presently included in the exempt group are as follows:

(a) Administrative Salary Groups 1 through 15 (A-1 through A-15)

CLASSIFICATION	SALARY GROUP
Administrative Analyst 1	10
Administrative Analyst 2	11
Administrative Analyst 3	12
Administrative Analyst 4	13
Administrative Assistant	9
Administrative Assistant to the Mayor	14
Administrative Secretary	7
Administrative Services Officer 1	11
Administrative Services Officer 2	14
Administrative Specialist 1	8
Administrative Specialist 2	9
Administrative Specialist 3	10
Administrative Technician 1	6
Administrative Technician 2	8
Administrator-Administrative Services 1	13
Administrator-Administrative Services 2	14
Administrator-Administrative Services 3	15
Administrator-Public Services 1	13
Administrator-Public Services 2	15
Chief, Bargaining and Representation	14
Clerk 1	3
Clerk 2	4
Clerk 3	5
Clerk 4	6
Mayor's Assistant 1	4
Mayor's Assistant 2	9
Public Services Officer 1	11
Public Services Officer 2	12
Public Services Officer 3	13
Registrar-Vital Statistics	9
Secretary 1	4
Secretary2	6
Supervisor-Public Health Nursing	12

(b) Salary Groups E-1 through E-5

CLASSIFICATION	SALARY GROUP
Assistant Chief Operating Officer	E-5
Assistant City Auditor	E-1
Assistant Clerk of Council	E-2
Chief of Staff	E-5
Chief Operating Officer/Director of Public Safety	E-5
Chief-Public Health Dentistry	E-2
City Auditor	E-3
City Council Chief of Staff	E-3
Clerk of Council	E-4
Commissioner-Administrative Services	E-2
Commissioner-Public Services	E-2
Deputy Director	E-3
Director-Administrative Services	E-4
Director-Public Services	E-4
Director-Toledo Fire and Rescue Department	E-5
Director - Toledo Police Department	E-5
Director-Toledo-Lucas County Plan Commissions	E-4
Director-Office of Diversity and Inclusion	E-4
Executive Fire Officer/Assistant Chief	E-3
Manager-Administrative Services	E-1
Manager-Legislative Operations	E-1
Manager-Public Services	E-1
Mayor's Executive Assistant	E-4
Public Information Coordinator	E-1

(c) Police and Fire Deputy Chiefs Group

CLASSIFICATION	SALARY GROUP
Fire Deputy Chief-Pro Tem	84
Police Deputy Chief-Pro Tem	94

(d) Salary Groups L-1 through L-4

CLASSIFICATION	SALARY GROUP
Attorney	L-1
Chief-Legal Section	L-3
Deputy Chief Prosecutor	L-2
General Counsel	L-4
Senior Attorney	L-2

(e) The classifications listed in this chapter are assigned to the salary group shown opposite the classification. Employees in classifications listed herein shall be paid in the salary group to which the classification is assigned in accordance with the annual salary as set forth in Sections 2101.58, and 2101.70 (Base Annual Salaries).

is hereby repealed.

SECTION 2. That a new Toledo Municipal Code Section 2101.01 is enacted as follows:

## 2101.01 Classifications.

The employees working in classifications listed in this section comprise the Exempt Service and are management level, supervisory and confidential staff of the Mayor's Office, City Council, and all City Departments and Divisions.

Employees working in these classifications are excluded from representation by any bargaining agent.

The management level, supervisory and confidential classifications presently included in the exempt group are as follows:

(a) Administrative Salary Groups 1 through 15 (A-1 through A-15)

CLASSIFICATION	SALARY GROUP
Administrative Analyst 1	10
Administrative Analyst 2	11
Administrative Analyst 3	12
Administrative Analyst 4	13
Administrative Assistant	9
Administrative Assistant to the Mayor	14
Administrative Services Officer 1	11
Administrative Services Officer 2	14
Administrative Specialist 1	8
Administrative Specialist 2	9
Administrative Specialist 3	10
Administrative Technician 1	6
Administrative Technician 2	8
Administrator-Administrative Services 1	13
Administrator-Administrative Services 2	14
Administrator-Administrative Services 3	15
Administrator-Public Services 1	13
Administrator-Public Services 2	15
Chief, Bargaining and Representation	14
Clerk 3	5
Clerk 4	6
Mayor's Assistant 1	4
Mayor's Assistant 2	7
Mayor's Assistant 3	9
Public Services Officer 1	11
Public Services Officer 2	12
Public Services Officer 3	13
Divisional Assistant 1	4
Divisional Assistant 2	6

(b) Salary Groups E-1 through E-5

CLASSIFICATION	SALARY GROUP
Assistant Chief Operating Officer	E-5
Assistant City Auditor	E-1
Assistant Clerk of Council	E-2
Chief of Staff	E-5
Chief Operating Officer/Director of Public Safety	E-5
City Auditor	E-2
City Council Chief of Staff	E-3
Clerk of Council	E-4
Commissioner-Administrative Services	E-2
Commissioner-Engineering	E-3
Commissioner-Public Services	E-2
Deputy Director	E-3
Director-Administrative Services	E-4
Director-Public Services	E-4
Director-Toledo Fire and Rescue Department	E-5
Director - Toledo Police Department	E-5
Director-Toledo-Lucas County Plan Commissions	E-4
Director- Diversity, Equity and Inclusion	E-4
Manager-Administrative Services	E-1
Manager-Legislative Operations	E-1
Manager-Public Services	E-1
Mayor's Executive Assistant	E-4
Public Information Coordinator	E-1

(c) Police Deputy Chiefs Group

CLASSIFICATION	SALARY GROUP
Police Deputy Chief-Pro Tem	94

(d) Salary Groups L-1 through L-4

CLASSIFICATION	SALARY GROUP
Attorney	L-1
Chief-Legal Section	L-3
Deputy Chief Prosecutor	L-2
General Counsel	L-4
Senior Attorney	L-2

(e) The classifications listed in this chapter are assigned to the salary group shown opposite the classification. Employees in classifications listed herein shall be paid in the salary group to which the classification is assigned in accordance with the annual salary as set forth in Sections 2101.58, 2101.70, and 2101.74 (Base Annual Salaries).

(f) Employees are responsible for obtaining and maintaining any license, certification, or credentials required for his or her classification. An employee shall notify his or her Department supervisor immediately if his or her license, certification, or credentials become invalid, expired, revoked, or suspended. After gaining

knowledge, the supervisor shall notify the Department or Division head. If, for any reason, an employee's license, certification, or credentials become invalid, expired, revoked, or suspended, the employee is considered to have lost his or her qualifications for his or her assigned classification and shall be removed from his or her job.

Failure to obtain, or maintain, any required license, certification, or credentials shall result in discipline up to and including termination in accordance with Sections 2101.46 "Suspension Without Hearing - Classified Employees" and 2101.47 "Disciplinary Procedure - Classified Employees." Further, any employee found to have been working in his or her official capacity without the proper license, certification, or credentials shall be charged with the major infraction of "gross misconduct."

If circumstances warrant, the employee may be provided a five (5) workday period to obtain the appropriate license, certification, or credentials. The employee may use vacation time, compensatory time, or unpaid leave time during the five (5) workdays; however, the use of sick time will not be permitted. If the employee is unable to obtain the license, certification, or credentials required for his or her classification after the five (5) workdays, then the employee may be demoted or terminated.

At the sole discretion of management, the employee may be demoted to a position in a lower salary group within the exempt class, so long as a vacancy exists and the employee is qualified to fill the vacancy. The process of filling the vacancy is subject to the receiving Department/Division's final approval. If no vacancy in a lower salary group within the exempt class, for which the employee is qualified exists, then the employee shall be terminated.

SECTION 3. That Toledo Municipal Code Section 2101.03, which states as follows:

2101.03 Direct Deposits and Credit Union Deductions.

The City shall provide for direct deposit of employee pay checks to financial institutions, provided that such direct deposit arrangements can be made. The City shall also deduct from employees giving written authorization any monies for any authorized credit union and remit same to such authorized credit union office by separate check.

is hereby repealed.

SECTION 4. That a new Toledo Municipal Code Section 2101.03 is enacted as follows:

2101.03 Direct Deposits and Credit Union Deductions.

The City shall provide for direct deposit of employee pay checks to financial institutions, provided that such direct deposit arrangements can be made. All employees will be enrolled in a direct deposit program for the duration of their employment. The City shall also deduct from employees giving written authorization any monies for any authorized credit union and remit same to such authorized credit union office by separate check.

SECTION 5. That Toledo Municipal Code Section 2101.05, which states as follows:

2101.05 Pledge Against Discrimination and Coercion.

- a) The provisions herein shall be applied equally to all employees without discrimination as to age (40

and above), sex, marital status, race, color, creed, disability, national origin, sexual orientation or political affiliation.

- b) Particularly it is the express intent that this Title shall not be interpreted in such a manner as to cause or constitute a violation of any law, specifically including Title VII of PL-88-352, as amended, known as the Equal Employment Opportunity Act of 1964, the Civil Rights Act of 1991, the Americans with Disabilities Act, the Family and Medical Leave Act, provided, however, that any remedy for violation of such acts shall be as set forth in the Act.
- c) All references to employee(s) in this Title designate both sexes.

is hereby repealed.

SECTION 6. That a new Toledo Municipal Code Section 2101.05 is enacted as follows:

2101.05 Pledge Against Discrimination and Coercion.

This Title shall not be interpreted in such a manner as to cause or constitute a violation of any law, including Title VII of the Civil Rights Act of 1964, as amended, the Civil Rights Act of 1991, the Americans with Disabilities Act, the Family and Medical Leave Act, and Ohio Revised Code Chapter 4112; provided, however, that any remedy for violation of such acts shall be as set forth in the Act.

All employees shall abide by all City policies and procedures, including but not limited to policies against: harassment based on race, color, religion, sex, ancestry, national origin, citizenship status, age, pregnancy, disability, genetic information or condition, sexual orientation, gender identity or expression, military status or status as a veteran; HIV and AIDS; workplace violence; and health information privacy.

The provisions herein shall be applied equally to all employees. All references to employee(s) in this Title designate all genders.

SECTION 7. That Toledo Municipal Code Section 2101.09, which states as follows:

2101.09 Residency Requirement and Waiver.

(a) Every employee of the City of Toledo shall be a resident of the City of Toledo; provided, however, pursuant to Section 61 of the Charter of the City of Toledo, that every employee of the City who has established and maintained his/her residence outside the limits of the City prior to November 7, 1972, shall be allowed to continue such residency during his/her employment with the City, and provided further that employees who

receive waivers may reside outside the City subject to any limitations or conditions placed upon their waiver.

(b) An employee of the City who wishes to seek a waiver of the residency requirement shall apply in writing to the Division of Human Resources on the application form provided by the City. The employee must set forth the facts meeting the Charter criteria that non-residence of such employee would be in the best interest of the City and that justice to such employee requires waiver of the residency requirement. Based upon the documentation presented, the Mayor will make a determination as to whether the Charter criteria have been met. The decision of the Mayor shall be considered final. The Mayor may at his/her option grant temporary, limited, or conditional waivers as he/she sees fit.

is hereby repealed.

SECTION 8. That Toledo Municipal Code Section 2101.11, which states as follows:

**2101.11 Sick Pay Usage.**

Sick pay is pay to the employee for the necessary absence from duty on a regularly scheduled work day because of illness, injury or exposure to contagious disease suffered by the employee not in the course of his employment, or illness in the employee's immediate family that necessitates the employee's absence from work or would result in serious hardship to the employee's family. Attendance to the immediate family member at a hospital while undergoing serious medical attention shall be included under this provision. Sick pay shall be paid for illness or injury incurred as a result of outside employment. Sick pay shall not be paid to any employee as a result of use of drugs or alcoholic beverages, except for the treatment of abuse, nor for injuries sustained while committing a felony, or other similar action. For the purpose of this section, immediate family shall include only the employee's father, mother, sister, brother, spouse, or child. Where a special relationship exists between the employee and any other person for whom the employee would not normally be granted sick pay, said sick pay will be granted upon pre-authorization of this relationship by the Division of Administrative and Human Resources. An affidavit stating the existing relationship and certifying that the person resides at the employee's household and is dependent on the employee for their well-being must be approved by the Division of Human Resources prior to the utilization of any sick pay. The family illness provision shall be for a limited period of time, normally not to exceed seven (7) days, to enable the employee to secure other arrangements for the care of the member of the employee's immediate family. Usage of "sick family" of three (3) consecutive work days or more shall require a "Statement of Attending Physician".

is hereby repealed.

SECTION 9. That Toledo Municipal Code Section 2101.11 is enacted as follows:

**2101.11 Sick Pay Usage.**

Sick pay is pay to the employee for the necessary absence from duty on a regularly scheduled work day because of illness, injury or exposure to contagious disease suffered by the employee not in the course of his employment, or illness in the employee's immediate family that necessitates the employee's absence from work or would result in serious hardship to the employee's family. Attendance to the immediate family member at a hospital while undergoing serious medical attention shall be included under this provision. Sick pay shall be paid for illness or injury incurred as a result of outside employment. Sick pay shall not be paid to any employee as a result of use of drugs or alcoholic beverages, except for the treatment of abuse, nor for injuries sustained while committing a felony, or other similar action. For the purpose of this section, immediate family shall include only the employee's father, mother, sister, brother, spouse, child, legal guardian, or person acting in loco parentis. The City may require proof of the aforementioned relationship. The family illness provision



shall be for a limited period of time, normally not to exceed seven (7) days, to enable the employee to secure other arrangements for the care of the member of the employee's immediate family. When the use of "sick family" time extends beyond three (3) consecutive work days, the employee shall furnish the City with a "Statement of Attending Physician" or a suitable equivalent as determined by the Department of Human Resources.

SECTION 10. That Toledo Municipal Code Section 2101.12, which states as follows:

2101.12 Reporting; Proof of Illness

- a) The employee, while absent on sick pay, must notify his/her supervisor under agreed practices. When claiming sick days an employee must remain at home caring for his/her illness unless he/she is away receiving medical attention such as in a hospital, at a doctor's office or at a pharmacy, and be able to document the absence from home. Where an employee who is recuperating from surgery or some other major medical condition is advised by his/her physician that a change of location would hasten his/her recovery, he/she may do so with the approval of the Division of Human Resources. An employee who is recuperating from surgery or other medical condition and who has not been released to return to work by a physician within ten (10) work days does not have to remain at home provided that their physician's statement indicates that remaining home is not necessary to their full and fast recovery. The employee then shall be allowed, under these conditions, to continue to receive sick pay benefits.
- b) When the use of sick days extends beyond five (5) consecutive work days, the employee shall furnish the City with a statement from the attending physician, on the form provided by the City, substantiating the facts concerning the employee's condition.
- c) When an accumulation of sick days taken within a calendar year reaches five (5) days or forty (40) hours for an employee in an Administrative Salary Group 1-15 position, then the employee is to document all future use of sick leave for the remainder of that year. The 5 day/40-hour limit shall include all days or portions of days. The City "Statement of Attending Physician" must set forth the employee or family member's condition that requires his/her absence.
- d) When an accumulation of sick days taken within a calendar year reaches six (6) days or forty-eight (48) hours for non-major illnesses or injuries for an employee in an Administrative Salary Group 1-15 position, then the employee will be subject to discipline for each additional sick leave usage for a non-major illnesses or injuries. The 6 day/48-hour limit shall include all days or portions of days. A major illness or injury shall be the same as one qualifying for FMLA leave. Prior to any disciplinary action being taken, the City will afford the employee an opportunity to explain any legitimate reason(s) for the use of sick time.
- e) Any absence from duty as the result of a claimed illness or injury may be investigated during the employee's normal working hours by an authorized City representative.
- f) Any employee found guilty of abusing sick pay benefits provisions set forth herein or whose reasons for absence are falsified shall be subject to appropriate disciplinary action.
- g) Employees are required to use time from their paid leave accumulations to cover partial day absences for purposes of public accountability. Employees who have no accrued time must request unpaid leave for such absences for these same purposes. This recognizes the long-standing policy of the City to only pay employees for hours worked or hours of accumulated paid leave in order to maintain accountability

to the public for expenditures from the public treasury. Further, this recognizes that with the pay-out of unused time under other provisions of this Chapter, partial day absences must be covered by accumulated time in order to avoid the overpayment of unused vacation and sick time.

is hereby repealed.

SECTION 11. That Toledo Municipal Code Section 2101.12 is enacted as follows:

2101.12 Reporting; Proof of Illness

- a) The employee, while absent on sick pay, must notify his/her supervisor under agreed practices. When claiming sick days an employee must remain at home caring for his/her illness unless he/she is away receiving medical attention such as in a hospital, at a doctor's office or at a pharmacy, and be able to document the absence from home. Where an employee who is recuperating from surgery or some other major medical condition is advised by his/her physician that a change of location would hasten his/her recovery, he/she may do so with the approval of the Department of Human Resources. An employee who is recuperating from surgery or other medical condition and who has not been released to return to work by a physician within ten (10) work days does not have to remain at home provided that their physician's statement indicates that remaining home is not necessary to their full and fast recovery. The employee then shall be allowed, under these conditions, to continue to receive sick pay benefits.
- b) When the use of sick days extends beyond three (3) consecutive work days, the employee shall furnish the City with a statement from the attending physician, on the form provided by the City, substantiating the facts concerning the employee's condition.
- c) When an accumulation of sick days taken within a calendar year reaches five (5) days or forty (40) hours for an employee in an Administrative Salary Group 1-15 position, then the employee is to document all future use of sick leave for the remainder of that year. The 5 day/40-hour limit shall include all days or portions of days. The City's "Statement of Attending Physician" form must set forth the employee or family member's condition that requires his/her absence.
- d) When an accumulation of sick days taken within a calendar year reaches six (6) days or forty-eight (48) hours for non-major illnesses or injuries for an employee in an Administrative Salary Group 1-15 position, then the employee will be subject to discipline for each additional sick leave usage for a non-major illnesses or injuries. The 6 day/48-hour limit shall include all days or portions of days. A major illness or injury shall be the same as one qualifying for FMLA leave.
- e) Any documentation required by this section shall be furnished within three (3) work days after the employee returns to work.
- f) Any absence from duty as the result of a claimed illness or injury may be investigated during the employee's normal working hours by an authorized City representative.
- g) Any employee found guilty of abusing sick pay benefits provisions set forth herein or whose reasons for absence are falsified shall be subject to appropriate disciplinary action.
- h) Employees are required to use time from their paid leave accumulations to cover partial day absences for purposes of public accountability. Employees who have no accrued time must request unpaid leave for such absences for these same purposes. This recognizes the long-standing policy of the City to only

pay employees for hours worked or hours of accumulated paid leave in order to maintain accountability to the public for expenditures from the public treasury. Further, this recognizes that with the pay-out of unused time under other provisions of this Chapter, partial day absences must be covered by accumulated time in order to avoid the overpayment of unused vacation and sick time.

SECTION 12. That Toledo Municipal Code Section 2101.13, which states as follows:

2101.13 Sick Pay Extensions.

In the event the extended illness of an employee has exhausted all accumulated sick days, bonus days and vacation days, then a request may be made to the Director of Administrative and Human Resources for extended sick pay benefits. The employee's prior work record with regard to usage of sick days and the employee's seniority shall be taken into account in determining the eligibility of the employee for such extension. In the event a sick and accident insurance benefit is secured, then this benefit shall be discontinued.

is hereby repealed.

SECTION 13. That Toledo Municipal Code Section 2101.14, which states as follows:

2101.14 Injury Pay.

(a) Employees injured in the course of and arising out of their employment under such circumstances as would cause such injury or disability to be compensable under the Worker's Compensation laws of the State of Ohio will be eligible to participate in the City's Injury Pay Program.

(1) Employees sustaining a work related injury that requires medical attention at a medical treatment facility (i.e., sprains, simple fractures, etc.) will be transported to and treated by a program physician or medical facility. The program physician, along with rendering a diagnosis and prognosis, will determine if the employee is capable of returning to regular duties, whether a transitional work assignment is appropriate, and the necessary rehabilitation plan to be followed; this plan will include the duration of any transitional work assignment not to exceed 30 calendar days and indicate any physical therapy the injured employee may require. The program physician(s) may require follow-up medical evaluations.

(2) Employees sustaining a work related emergency/trauma injury (i.e., life threatening, severe body injury) may be treated at any medical treatment facility to which emergency medical personnel transport them. The employee will subsequently be examined by the Program Physician. The designated Program Physician will determine if the employee is capable of returning to regular duties or if a transitional work assignment is appropriate and the necessary rehabilitation plan to be followed; this opinion will include the duration of any transitional work assignment not to exceed 30 calendar days and indicate any physical therapy the injured employee may require. The Program Physician(s) may require follow-up medical evaluations.

(3) An employee may, after the initial evaluation by the Program Physician, elect to continue treatment with their personal physician provided the Program Physician's recommendations are followed. The employee will sign any necessary waivers to allow their personal physicians to release information to the Program Physician. The employee's personal physician will be the physician of record for workers' compensation purposes.

(b) Upon the Program Physician's determination that an injury requires the employee to be off work, wherein the employee reports said injury within twenty-four (24) hours of the incident of illness or injury, paid

leave shall be granted by the Division of Human Resources for up to 60 days.

Should such disability exceed sixty (60) calendar days, the Commissioner of Human Resources, on application therefor and proof of continued disability, may extend the period during which such person is carried on the regular payroll. The length of such extended period or periods shall not exceed two (2) years.

Injury pay extension requests, accompanied by a "Statement of Attending Physician" setting forth the illness or injury and the need for additional time, must be presented to the Commissioner of Human Resources no later than one (1) week after the expiration of the original sixty (60) day disability period. If the above requirements are not fulfilled, the request for injury pay extension may not be considered.

(c) Workers' compensation: at the expiration of the injury leave granted, if the employee is still unable to return to work, the employee may elect in writing to use accumulated sick and other accrued time. If the employee is still unable to return to work, payment of normal wages will be stopped and the Industrial Commission will be requested to begin weekly payment under the provisions of the Workers' Compensation act.

(d) If the opinion of the employee's treating physician conflicts with that of the Program Physician and such opinion is presented to the City in seven (7) calendar days of the Program Physician's evaluation, and if the physicians cannot agree after consultation, the employee will be referred for a third opinion. The third opinion shall be determinative of the employee's injury pay status under the contract and shall not be subject to further appeal or review. If the third opinion is consistent with the Program Physician's plan and the employee fails to abide by the rehabilitation plan, or if the employee enters and later drops out of the plan, then the City can recoup injury pay advanced from the employee's sick time accumulation. If the employee does not have a sufficient sick time balance, the City shall recoup the injury pay by reducing future sick leave earnings by one-half until the injury pay is fully recouped.

(e) Employees who sustain injuries in the course of and arising out of their employment under such circumstances as would cause such injury or disability to be compensable under the Worker's Compensation Laws of the State of Ohio who choose not to be evaluated by the Program Physician or who choose not to follow that physician's recommended program and go only to the physician of their choice are not entitled to any paid injury leave benefits contained in this collective bargaining agreement. Notice of intent not to participate in the City's Injury Program must be given within three (3) work days of the injury. Any and all work-related injury claims will be processed through and conform with the Workers' Compensation Act.

(f) False Claim: The City reserves the right to recoup benefit payments to any employee who is guilty of submitting a false claim, or abuse of the privileges covered in this section, or working for another employer while on injury leave, and may take disciplinary action.

(g) An employee working in a transitional work assignment will be compensated at their regular rate of pay. The employee will not be entitled to overtime, etc., since the employee is not fit to perform all of the duties of the classification.

Transitional work assignments will be identified by the Division of Human Resources in consultation with those divisions who have appropriate tasks available.

It is not the intent of this section to allow divisions to provide transitional work above that identified nor is a division required to provide transitional work where no such appropriate tasks have been identified and recognized.

is hereby repealed.

SECTION 14. That Toledo Municipal Code Section 2101.14 is enacted as follows:

**2101.14 Injury Leave.**

In accordance with City Administrative Policy and Procedure titled "Injury Leave," employees injured in the course of and arising out of their employment under such circumstances as would cause such injury or disability to be compensable under the Worker's Compensation laws of the State of Ohio will be eligible to participate in the City's Injury Leave Program.

Any employee who is injured during the course of his/her employment shall be paid a minimum of eight (8) hours pay for that day, if such injury requires the employee to leave the job for medical treatment by a professional medical care provider.

An employee, who is unable to work because of a disability arising out of their employment, shall accumulate seniority during this period of sickness or disability not to exceed two (2) years duration, provided the employee has not secured other full-time employment during the term of this disability. This period may be extended by mutual agreement. Prior to the end of three (3) months and each quarter thereafter the City will meet with the employee to determine if the employee will be able to return to their employment.

An employee shall be ineligible for the Injury Leave Program for failing to comply with the provisions provided in this section or Administrative Policy and Procedure #12 "Injury Leave."

**False Claim:** The City reserves the right to recoup benefit payments to any employee who is guilty of submitting a false claim, or abuse of the privileges covered in this section, or working for another employer while on injury leave, and may take disciplinary action.

SECTION 15. That Toledo Municipal Code Section 2101.15, which states as follows:

**2101.15 Injury at Work.**

Any employee in salary groups A-1 through A-15 who is injured during the course of his/her day's employment shall be paid a minimum of eight (8) hours pay for that day, if such injury requires the employee to leave the job for medical treatment by a professional medical care provider.

is hereby repealed.

SECTION 16. That Toledo Municipal Code Section 2101.17, which states as follows:

**2101.17 Excused Absences up to Five (5) Days, and Personal Leave Applications.**

A personal leave of absence at the request of the employee may be granted upon the approval of the City in accordance with the rules established herein. An approved leave of absence shall be required when the employee will be absent on his/her own accord for more than five (5) work days. Any request for excused absence for a period of five (5) work days or less may be granted by the employee's supervisor without the necessity of preparing formal leave papers. Requests for leave of absence shall be in writing, in duplicate; shall be signed by the employee stating the reason for leave; and shall be subject to approval by the City. One (1) copy shall be retained by the employee and one (1) copy by the Division of Human Resources.

Nothing in this Chapter shall be construed to require the docking of pay for partial-day absences when paid leave is not available from employees treated as exempt from the Fair Labor Standards Act overtime provisions.

is hereby repealed.

SECTION 17. That Toledo Municipal Code Section 2101.17 is enacted as follows:

2101.17 Excused Absences up to Five (5) Days, and Personal Leave Applications.

A personal leave of absence at the request of the employee may be granted upon the approval of the City in accordance with the rules established herein. An approved leave of absence shall be required when the employee will be absent on his/her own accord for more than five (5) work days. Any request for excused absence for a period of five (5) work days or less may be granted by the employee's supervisor without the necessity of preparing formal leave papers. Requests for leave of absence shall be in writing, in duplicate; shall be signed by the employee stating the reason for leave; and shall be subject to approval by the City. One (1) copy shall be retained by the employee and one (1) copy by the Department of Human Resources.

An employee on an approved leave of absence pursuant to this Section as well as Section 2101.18 herein must use all of his or her accumulated paid leave before going unpaid. Nothing in this Chapter shall be construed to require the docking of pay for partial-day absences when paid leave is not available from employees treated as exempt from the Fair Labor Standards Act overtime provisions.

SECTION 18. That Toledo Municipal Code Section 2101.23, which states as follows:

2101.23 Parental Leave.

(a) A female employee who has completed probation will be eligible for maternity leave for that period of time that she is physically incapable of performing her regular work related duties. The employee will be required to document her physical condition in a Statement of Attending Physician forwarded to the City. Application for such leave will be made on the approved form.

(b) The employee, in the event of extended disability resulting from pregnancy or childbirth, shall be entitled to use her accumulated sick time, bonus days and vacation days, and then may submit a request to the Commissioner of Human Resources for extended sick benefits. The employee's prior work record with regard to her usage of sick days and her seniority will be taken into account in determining eligibility for such extension. In the event the requested extension is denied, then the employee may be placed on leave of absence as provided in Section 2101.18 (Personal Leave; Up to Thirty (30) Days and Thirty (30) Days or More) and 2101.24 (Sick or Injury Leave).

The employee may request additional release time prior and/or subsequent to the above stated period of disability. Such requests shall be made as provided elsewhere in this Agreement.

(c) A male employee shall at the option of the employee be entitled to sick pay for the maternity of his spouse. The male employee shall be entitled to take up to fifteen (15) days from accrued sick days for the purpose of staying home to assist his family at the time of his wife's delivery. The use of sick days for this purpose shall not be counted in determining bonus days under Section 2101.30 (Bonus Days).

(d) It is the express intent that this section of the Code shall not be applied in such a manner as to cause or constitute a violation of any law or a reduction in benefits provided therein, specifically including PL103-3, known as the Family and Medical Leave Act of 1993; provided, however, that any remedy for violation of this act shall be as set forth in the act. All available sick, vacation, and compensatory time must be used before an F.M.L.A. Leave is provided.

is hereby repealed.

SECTION 19. That Toledo Municipal Code Section 2101.23 is enacted as follows:

**2101.23 Parental Leave.**

- (a) Eligible employees may be entitled to parental leave benefits under this section and the applicable Administrative Policy for the birth, stillbirth, or adoption of a child. Parental Leave consists of eight (8) weeks of consecutive, paid leave, which begins the day the child is born, still-born, or adopted. Parental Leave may not be taken intermittently. Once an employee on Parental Leave returns to work, the Parental Leave ceases and any remaining Parental Leave will be forfeited. After the expiration of the Parental Leave, all additional leave will be governed by City policy, or the Toledo Municipal Code.
- (b) During Parental Leave, employees will receive paid leave equal to seventy percent (70%) of their base rate of pay. Employees may supplement the remaining thirty percent (30%) of their base rate of pay with available and accumulated paid leave, if they so choose. However, donated time may not be used to supplement Parental Leave.
- (c) All time off work for Parental Leave will be charged against the employee's Family and Medical Leave Act (FMLA) leave entitlement, to the extent the employee is entitled to FMLA leave.
- (d) Employees who are approved for Parental Leave may elect whether they will use accumulated, paid leave from the employee's leave balances to cover the remaining thirty percent (30%) of their base rate, or whether they will remain unpaid for the remaining thirty percent (30%).
- (e) The Department of Human Resources shall enact, with the approval of the Mayor, an Administrative Policy and Procedure to implement and govern the program.

SECTION 20. That Toledo Municipal Code Section 2101.25, which states as follows:

**2101.25 Seniority During Industrial Disability.**

An employee who is unable to work because of industrial (service connected) disability shall accumulate seniority during this period of sickness or disability not to exceed two (2) years duration, provided the employee has not secured other full time employment during the term of this disability. This period may be extended by mutual agreement. Prior to the end of three (3) months and each quarter thereafter the City will meet with the employee to determine if the employee will be able to return to their employment.

is hereby repealed.

SECTION 21. That Toledo Municipal Code Section 2101.27, which states as follows:

**2101.27 Loss of Seniority and Job Rights**

(a) An employee shall be given written notice of the reason for loss of seniority. The seniority of the employee shall be considered broken and the employee shall be terminated for the following reasons:

- (1) The employee resigns from the City.
- (2) After recall notice has been sent to the employee, the employee fails to report for work after fourteen (14) calendar days.
- (3) The employee is absent of his/her own accord for a period of more than five (5) consecutive work days, and fails to apply properly for a leave of absence.
- (4) The employee fails to return at the expiration of an approved leave of absence.
- (5) The employee enters employment for another employer or becomes self-employed while on a leave, as provided in Section 2101.19 (Falsification of Request).
- (6) The employee is laid off continuously for more than four (4) years.

(b) When an employee in the classified service loses seniority for the reasons listed in 3, 4, or 5 above, said employee shall be given the opportunity of having a review before such action is taken. Loss of seniority shall not be subject to review under 2101.48 Disciplinary Procedure - Classified Employees.

is hereby repealed.

SECTION 22. That Toledo Municipal Code Section 2101.27 is enacted as follows:

#### 2101.27 Loss of Seniority and Job Rights

(a) An employee shall be given written notice of the reason for loss of seniority. The seniority of the employee shall be considered broken and the employee shall be terminated for the following reasons:

- (1) The employee resigns from the City.
- (2) After recall notice has been sent to the employee, the employee fails to report for work after fourteen (14) calendar days.
- (3) The employee is absent of his/her own accord for a period of more than five (5) consecutive work days, and fails to apply properly for a leave of absence.
- (4) The employee fails to return at the expiration of an approved leave of absence.
- (5) The employee enters employment for another employer or becomes self-employed while on a leave, as provided in Section 2101.19 (Falsification of Request).
- (6) The employee is laid off continuously for more than three (3) years.
- (7) The employee has exhausted all layoff and bumping rights in accordance with Section 2101.28 "Layoff and Recall Rights."

(b) When an employee in the classified service loses seniority for the reasons listed in 3, 4, 5, or 7 above, said employee shall be given the opportunity of having a review before such action is taken. Loss of seniority shall not be subject to review under Section 2101.47 Disciplinary Procedure - Classified Employees.

SECTION 23. That Toledo Municipal Code Section 2101.28, which states as follows:

#### 2101.28 Layoff and Recall Rights.

(a) Unclassified employees have no bump or recall rights. However, at the discretion of the Mayor, they may be placed in other unclassified positions, vacant or occupied, and may be recalled to vacancies.



(b) Classified employees in the Exempt Service will have the right to bump into positions in the Exempt Service. Employees bumping must meet the requirements for the position and be able to perform all significant aspects of the job.

(c) Employees in the Exempt Service will not be allowed to bump into other units and employees in other units will not be allowed to bump into the Exempt Service, except that Deputy Chiefs - Pro Tem in the Police Division shall be allowed to bump into the Toledo Police Command Officers' Association unit.

(d) A classified employee assuming a vacancy in a higher salary group under part (b) above shall be provisionally appointed to such vacancy. The employee shall be paid at the full rate instead of the start rate for purposes of this paragraph only. The employee shall become permanent in accordance with Section 2101.49, "Provisional Appointments and Seniority - Classified Employees", herein and the Civil Service Rules. If an eligibility list is established before the employee becomes permanent and the employee does not place within appointing range, the employee shall return to a vacancy in their original classification, if available, or shall exercise their bump rights from the original classification.

(e) A classified employee who is deemed unsatisfactory in a different classification during the first thirty (30) work days after their layoff shall rebump from their original classification prospectively from the date of their rebump. An employee who of their own volition desires to vacate their position assumed through layoff during this thirty (30) day period may only assume a vacancy and shall not be entitled to rebump.

(f) Classified employees in the Exempt Service, who are laid off or displaced, will be placed on recall lists for positions in the Exempt Service.

is hereby repealed.

SECTION 24. That Toledo Municipal Code Section 2101.28 is enacted as follows:

2101.28 Layoff and Recall Rights.

(a) Unclassified employees have no bump or recall rights. However, at the discretion of the Mayor, they may be placed in other unclassified positions, vacant or occupied, and may be recalled to vacancies.

(b) Classified employees in the Exempt Service will have the right to bump into positions in the Exempt Service. Employees bumping must meet the requirements for the position and be able to perform all significant aspects of the job.

(c) Employees in the Exempt Service will not be allowed to bump into other units and employees in other units will not be allowed to bump into the Exempt Service, except that Deputy Chiefs - Pro Tem in the Police Division shall be allowed to bump into the Toledo Police Command Officers' Association unit.

(d) A classified employee assuming a vacancy in a higher salary group under part (b) above shall be provisionally appointed to such vacancy. The employee shall be paid at the full rate instead of the start rate for purposes of this paragraph only. The employee shall become permanent in accordance with Section 2101.49, "Provisional Appointments and Seniority - Classified Employees", herein and the Civil Service Rules. If an eligibility list is established before the employee becomes permanent and the employee does not place within appointing range, the employee shall return to a vacancy in their original classification, if available, or shall exercise their bump rights from the original classification.

(e) An employee who is deemed either unsatisfactory in a different classification, or of their own volition desires to vacate their position assumed through layoff during this thirty (30) work day period may only assume a vacancy and shall not be entitled to rebump. An employee in this situation may only assume two (2) new vacancies after being deemed unsatisfactory in the new classification or if he or she desires to vacate the new classification.

An employee who is deemed unsatisfactory in their third new classification may be subject to termination. In this case, the employee is subject to a loss of seniority pursuant to Section 2101.27 "Loss of Seniority and Job Rights" herein, and the employee has the right to be heard by the Director of Human Resources or his or her designee.

The Department or Division may extend the thirty (30) day work period with written notification to the employee.

(f) Classified employees in the Exempt Service, who are laid off or displaced, will be placed on recall lists for positions in the Exempt Service.

SECTION 25. That Toledo Municipal Code Section 2101.29, which states as follows:

2101.29 Accumulation of Sick Days.

Employees in salary groups A-1 through A-15, and 84 and 94 hired into the City on or before 12/31/92 shall have the option of maintaining their current sick leave accrual and severance pay plan as set forth in part (a) of this section or electing the sick leave conversion plan as set forth in part (b) below. This election may be made during the one hundred and twenty (120) day period following passage of this legislation. Employees opting into the plan must remain in the plan. Employees hired on or after 1/1/93 and all employees in salary groups E-1 through E-4, and L-1 through L-4, shall be covered exclusively by the Sick leave plan set forth in part (b). Employees who move to the exempt service from other units and who are already enrolled in the City's Sick Leave Conversion Plan set forth in paragraph (b) shall remain under such plan.

(a) Eligible employees who elect to maintain their current sick leave accrual and severance pay plan shall be credited with sick days in accordance with the following formula: one and one quarter (1 1/4) days shall be credited for each month of service, not to exceed fifteen (15) days per calendar year. Such days shall continue to accumulate at such rate without any maximum limitations. Provided the conditions of Section 2101.44, Termination and Severance Pay, have been met, unused sick leave accumulated to the time of termination shall be paid at the rate of one-half (1/2) for all such accumulated sick time up to two hundred (200) days and full pay for accumulated sick time in excess of two hundred (200) days.

(b)

(i) Employees hired on or before December 31, 1992 who elect the sick leave conversion plan set forth herein, and all employees in salary groups E-1 through E-4, L-1 through L-4, will bank accumulated sick leave through December 31, 1995. This banked sick leave accumulation will be used as the need for sick pay arises or may be converted to cash under the terms set forth in paragraph (b) (iii). Provided the conditions of Section 2101.44, Termination and Severance Pay, have been met, unused sick leave from that banked effective December 31, 1995 will be paid as follows at the employee's regular rate as of the date of separation: One-half for all banked sick time up to two hundred (200) days and full pay for accumulated sick time in excess of two hundred (200) days.

(ii) On and after January 1, 1996, employees covered by this Sick Leave Conversion Plan shall be credited with sick days in accordance with the following formula: One and one-quarter days shall be credited for each month of service not to exceed a maximum of fifteen (15) days per calendar year. Such days shall continue to accumulate at such rate without any maximum limitation.

(iii) Sick time not used by the end of the year can either be turned in for payment of a percentage of salary as indicated herein or carried over until retirement or separation. The maximum number of sick days allowed for year-end payment will be five (5). Employees using two and one-half (2½) or fewer days of sick leave in the preceding calendar year shall be entitled to a conversion to pay at fifty percent (50%). Employees using more than two and one-half (2½), but five (5) or fewer days shall be entitled to a conversion at twenty five percent (25%). Employees with fewer than sixty (60) days of accrued sick time or who have used more than five (5) days in the preceding calendar year, shall not be eligible for this conversion privilege. The employee's accrued sick leave shall be reduced by the number of days converted to cash.

(iv) Provided the conditions of Section 2101.44, Termination and Severance Pay, have been met, unused sick leave accrued after enrollment in this plan will be paid as follows at the employee's regular rate at the time of termination: thirty-three percent (33%) of salary for the first eighty (80) days and fifty percent (50%) of salary for the next eighty (80) days for a maximum of one hundred sixty (160) days.

(c) An employee granted a leave of absence without pay for thirty (30) calendar days or more shall not accumulate sick pay during the period the employee is on such leave.

(d) An employee hired from another political jurisdiction within Ohio may transfer his or her unused sick time to his sick leave bank with the City. Such time may be used and may be paid in accordance with the terms of this Chapter. However, for employees hired after September 30, 1995, such time shall not be counted toward the sixty (60) day minimum necessary for sick leave to be converted.

is hereby repealed.

SECTION 26. That Toledo Municipal Code Section 2101.29 is enacted as follows:

#### 2101.29 Accumulation of Sick Days.

Employees in salary groups A-1 through A-15, and 94 hired into the City on or before 12/31/92 shall have the option of maintaining their current sick leave accrual and severance pay plan as set forth in part (a) of this section or electing the sick leave conversion plan as set forth in part (b) below. This election may be made during the one hundred and twenty (120) day period following passage of this legislation. Employees opting into the plan must remain in the plan. Employees hired on or after 1/1/93 and all employees in salary groups E-1 through E-5, and L-1 through L-4, shall be covered exclusively by the Sick leave plan set forth in part (b). Employees who move to the exempt service from other units and who are already enrolled in the City's Sick Leave Conversion Plan set forth in paragraph (b) shall remain under such plan.

(a) Eligible employees who elect to maintain their current sick leave accrual and severance pay plan shall be credited with sick days in accordance with the following formula: one and one quarter (1 1/4) days shall be credited for each month of service, not to exceed fifteen (15) days per calendar year. Such days shall continue to accumulate at such rate without any maximum limitations. Provided the conditions of Section 2101.44, Termination and Severance Pay, have been met, unused sick leave accumulated to the time of termination shall be paid at the rate of one-half (1/2) for all such accumulated sick time up to two hundred (200) days and full pay for accumulated sick time in excess of two hundred (200) days.

(b) (i) Employees hired on or before December 31, 1992 who elect the sick leave conversion plan set forth herein, and all employees in salary groups E-1 through E-5, L-1 through L-4, will bank accumulated sick leave through December 31, 1995. This banked sick leave accumulation will be used as the need for sick pay arises or may be converted to cash under the terms set forth in paragraph (b) (iii). Provided the conditions of Section 2101.44, Termination and Severance Pay, have been met, unused sick leave from that banked effective December 31, 1995 will be paid as follows at the employee's regular rate as of the date of separation: One-half for all banked sick time up to two hundred (200) days and full pay for accumulated sick time in excess of two hundred (200) days.

(ii) On and after January 1, 1996, employees covered by this Sick Leave Conversion Plan shall be credited with sick days in accordance with the following formula: One and one-quarter days shall be credited for each month of service not to exceed a maximum of fifteen (15) days per calendar year. Such days shall continue to accumulate at such rate without any maximum limitation.

(iii) Sick time not used by the end of the year can either be turned in for payment of a percentage of salary as indicated herein or carried over until retirement or separation. The maximum number of sick days allowed for year-end payment will be five (5). Employees using two and one-half (2½) or fewer days of sick leave in the preceding calendar year shall be entitled to a conversion to pay at fifty percent (50%). Employees using more than two and one-half (2½), but five (5) or fewer days shall be entitled to a conversion at twenty five percent (25%). Employees with fewer than sixty (60) days of accrued sick time or who have used more than five (5) days in the preceding calendar year, shall not be eligible for this conversion privilege. The employee's accrued sick leave shall be reduced by the number of days converted to cash.

(iv) Provided the conditions of Section 2101.44, Termination and Severance Pay, have been met, unused sick leave accrued after enrollment in this plan will be paid as follows at the employee's regular rate at the time of termination: thirty-three percent (33%) of salary for the first eighty (80) days and fifty percent (50%) of salary for the next eighty (80) days for a maximum of one hundred sixty (160) days.

(c) An employee granted a leave of absence without pay for thirty (30) calendar days or more shall not accumulate sick pay during the period the employee is on such leave.

(d) An employee hired from another political jurisdiction within Ohio may transfer his or her unused sick time to his sick leave bank with the City. Such time may be used and may be paid in accordance with the terms of this Chapter. However, for employees hired after September 30, 1995, such time shall not be counted toward the sixty (60) day minimum necessary for sick leave to be converted.

SECTION 27. That Toledo Municipal Code Section 2101.30, which states as follows:

#### 2101.30 Bonus Days.

An employee shall be given bonus vacation days in accordance with the Bonus Day Table set forth below if he or she earned sick pay benefits in the previous year; provided, however, that employees hired by the City on or after January 1, 1993 and placed in the Executive Group, then or thereafter, shall not be eligible for bonus vacation days.

#### BONUS DAYS-CANCELLATION TABLE

Months	Sick Days Taken
--------	-----------------

	0	1	2	3	4	5	6	7	8	9	10
12	5	5	5	4½	4	3½	3	2	1	½	0
11	4½	4½	4½	4	3½	3	2½	1½	½	0	
10	4	4	4	3½	3	2½	2	1	0		
9	3½	3½	3½	3	2½	2	1½	½	0		
8	3	3	3	2½	2	1½	1	0			
7	2½	2½	2½	2	1½	1	½	0			
6	2	2	2	1½	1	½	0				
5	1½	1½	1½	1	½	0					
4	1	1	1	½	0						
3	½	½	½	0							

Bonus vacation time must be used by those in the Executive group in the year provided; such time may not be carried forward.

is hereby repealed.

SECTION 28. That Toledo Municipal Code Section 2101.33, which states as follows:

2101.33 Public Employees Retirement System of Ohio.

(a) The City shall continue to participate in the Public Employees Retirement System of Ohio as provided in the Ohio Revised Code.

(b) Effective the first full pay period following passage of this ordinance, the City's pension "pick-up" referred to in this article will terminate. The City will no longer implement or participate in any pension "pick-up" plan.

(c) For employees in Administrative Salary Groups 1 - 15:

(i) Effective the first full pay period following passage of this ordinance, the City will pay zero percent (0%) of the employee's pension contribution and the employee shall be responsible for the entire 10% of the employee's pension contribution.

(ii) Effective the first full pay period following the passage of this ordinance, those employees receiving a reduction in pension "pick-up" will receive a separate, one time lump sum payment in the amount of seven hundred fifty dollars (\$750). Those employees who are not affected by the reduction in pension "pick-up" are not eligible to receive the lump sum payment.

(iii) Employees who are promoted into positions in Administrative Salary Groups 1 - 15 and those who were hired or reinstated after January 1, 2009, shall be required to pay the entire employee share of their pension contribution.

(d) For employees in Salary Groups E-1 through E-4 and L-1 through L-4:

(i) Effective the first full pay period following passage of this ordinance, the City will pay zero percent (0%) of the employee's pension contribution and the employee shall be responsible for the entire 10% percent

of the employee's pension contribution.

(e) In the event that the employee's share of the pension payment increases due to a change in law or regulation, the employee shall be responsible for paying the entire amount of the increased employee contribution.

(f) The City shall not pay any percentage of any employee's pension contribution in lieu of the employee paying same unless specifically required by law.

is hereby repealed.

SECTION 29. That Toledo Municipal Code Section 2101.33 is enacted as follows:

2101.33 Public Employees Retirement System of Ohio.

- (a) The City shall continue to participate in the Public Employees Retirement System of Ohio as provided in the Ohio Revised Code.
- (b) In the event that the employee's share of the pension payment increases due to a change in law or regulation, the employee shall be responsible for paying the entire amount of the increased employee contribution.
- (c) The City shall not pay any percentage of any employee's pension contribution in lieu of the employee paying same unless specifically required by law.

SECTION 30. That Toledo Municipal Code Section 2101.36, which states as follows:

2101.36 Vacations.

- (a) Employees shall be entitled to annual vacation with pay in accordance with the following table:

AMOUNT OF SERVICE DURING PREVIOUS YEAR THROUGH DECEMBER 31	VACATION
Less than 1 full calendar year	.916 days for each full month
After 1 full calendar year	2 weeks
After 7 full calendar years	3 weeks
After 14 full calendar years	4 weeks
After 21 full calendar years	5 weeks
After 25 full calendar years	6 weeks

(b) Police Deputy Chiefs covered by this chapter shall be entitled to six (6) weeks vacation after twenty-five (25) full calendar years service and Fire Deputy Chiefs covered by this chapter shall be entitled to six (6) weeks vacation after twenty-four (24) full calendar years of service.

(c) In addition to the above, after one full calendar year of service, the employee shall be entitled to one (1) full additional discretionary vacation day. Police Deputy Chiefs shall be entitled to two (2) full additional discretionary vacation days.

- (d) Unused vacation time from other jurisdictions will not be recognized by the City.

(e) In determining eligibility for vacation, total years of appropriate service shall be counted, except as provided herein:

(1) The Mayor may provide employees appointed to Executive Exempt classifications with a vacation entitlement in excess of the amount of service required in the above table; provided, however, no more than two additional weeks, nor more than a six week total vacation entitlement, may be provided. Such additional vacation time shall only be provided after the regular entitlement has been taken. Unused time from any additional allotment shall not be subject to payment either pursuant to paragraph (g) of this section or pursuant to Section 2101.44, "Termination and Severance Pay", or otherwise.

(2) The Mayor may also provide newly appointed executive group employees with two (2) weeks of vacation during their first twelve months. Such vacation time may not be carried over beyond the twelve month period, nor shall it be subject to payment either pursuant to paragraph (g) herein, the provisions of Section 2101.44, "Termination and Severance Pay", or otherwise.

(3) The provisions of this paragraph (e) may be applied from January 1, 1995 forward to any executive exempt employee appointed on or after January 1, 1994; provided, however, no vacation time awarded pursuant to subsection (e)(2) hereof may be carried outside the twelve month period from the date of original appointment.

(f) An employee should take vacation in the calendar year following the year in which it was earned. In the event an employee is not allowed to schedule his/her vacation in the year in which it would have been taken, he/she may request that such unused vacation be carried over to the following year. Employees in Salary Groups 1 through 15, 84, 94 and Executive Group shall take this carry-over vacation from 2021 no later than September 30, 2021. Carry-over vacation from years other than 2021 shall be taken no later than April 30 of the following year. Such requests shall be submitted to the Human Resources Department prior to December 1 of each year.

(g) Employees in Salary Groups 1 through 15, 84, 94 and Executive Group shall not be allowed to be paid cash in lieu of receiving vacation unless the City for some valid reason (as verified in writing by the employee's Director) has not allowed the employee to take the vacation time accrued in 2009 to which he was entitled by September 1, 2010. Except as provided herein, for vacation accrued in 2010 and subsequent years employees in Salary Groups 1 through 15, 84, 94 and Executive Group shall not be allowed to be paid cash in lieu of receiving vacation unless the City for some valid reason (as verified in writing by the employee's Director) has not allowed the employee to take the vacation time to which he is entitled by April 30 of the year following the calendar year in which it should have been taken. In such event, the employee at his option may elect to maintain ("bank") such verified unused vacation days from the prior year for future use, or for termination and severance benefits pursuant to the terms of Section 2101.44, Termination and Severance Pay, or elect to be paid for unused vacation days for the prior year.

(Ord. 175-10. Passed 4-13-10.)

(h) Employees shall be allowed to schedule and take vacations as provided herein in accordance with existing departmental procedures.

(i) An employee may request the advance of five (5) days pay at the time of his/her vacation. The request must be made to the payroll clerk of the division at least fourteen (14) calendar days prior to the payday on which the check is to be received. This may be done each calendar year and is contingent upon the employee having worked in the period in an amount sufficient to be entitled to the advance pay requested.

is hereby repealed effective January 1, 2024.

SECTION 31. That Toledo Municipal Code Section 2101.36, effective January 1, 2024, is enacted as follows:

### 2101.36 Vacations.

Effective January 1, 2024, the accumulation of vacation time shall be as follows.

(a) Full-time salaried employees (salary groups E-1 through E-5 and L-1 through L-4) shall be entitled to annual vacation with pay in accordance with the following table:

Length of Service	Accrual Rate per Pay Period	Yearly Accrual	Maximum Accrual Allowance
Less than 19 years	7.7 hours (0.09625 per regular compensated hour)	200 hours/25 days	200 hours/50 days
19 but less than 24 years	9.2 hours (0.115 per regular compensated hour)	240 hours/30 days	240 hours/60 days
24 years or more	10.8 hours (0.135 per regular compensated hour)	280 hours/35 days	280 hours/70 days

(b) Full-time classified and unclassified hourly employees (Administrative Groups 1 through 15) shall be entitled to annual vacation with pay in accordance with the following table:

Length of Service	Accrual Rate Per Pay Period	Yearly Accrual	Maximum Accrual Allowance
Less than 4 years	4.6 hours (0.0575 per regular compensated hour)	120 hours/15 days	120 hours/30 days
4 but less than 9 years	6.2 hours (0.0775 per regular compensated hour)	160 hours/20 days	160 hours/40 days
9 but less than 19 years	7.7 hours (0.09625 per regular compensated hour)	200 hours/25 days	200 hours/50 days
19 but less than 24 years	9.2 hours (0.115 per regular compensated hour)	240 hours/30 days	240 hours/60 days
24 years or more	10.8 hours (0.135 per regular compensated hour)	280 hours/35 days	280 hours/70 days

(c) In addition to the above, after one full calendar year of service, the employee shall be entitled to one (1) full additional discretionary vacation day. Police Deputy Chiefs shall be entitled to two (2) full additional



discretionary vacation days. The additional discretionary vacation day(s) will be added to the employee's vacation leave balance on January 1<sup>st</sup> of each calendar year.

(d) Vacation Accrual

1. Vacation time is accrued during the time the employee is in active pay status, which includes holiday time, sick time, vacation time, and compensatory time, but is not accrued when working overtime or while on unpaid leave.
2. Vacation time earned while on regular pay is credited to the employee's vacation bank upon the completion of the pay period and is not usable until credited.
3. Once an employee's vacation time balance reaches the maximum accrual allowance, no further vacation leave will accrue until the balance drops below the maximum amount.
4. Part time employees shall earn vacation time on a pro-rated basis in accordance with the provisions herein and pursuant to any applicable administrative policy and procedure.

(e) Pursuant to the above subsections, vacation time will now accrue based on employment status, years of service, and hours worked in the pay period. However, the employee's vacation time that the employee earned in 2023 under the previous vacation accrual method will be put into the employee's vacation bank on January 1, 2024.

(f) Employees shall be allowed to schedule and take vacations as provided herein and in accordance with existing departmental procedures.

(g) During the first calendar year of employment, newly hired employees shall be allowed to advance vacation days from their vacation bank. Those who begin employment on or between January 1 and June 30 shall be allowed to advance up to ten (10) vacation days. Those who begin employment on or between July 1 and December 1 shall be allowed to advance up to five (5) vacation days. Employees electing to advance vacation days will have their accrual rate per pay period reduced by the same number of days/hours which were advanced.

The following provisions apply to this advancement:

1. This subsection shall only apply to employees in the calendar year (January 1 through December 31) in which they were hired. It shall not apply to employees who were hired in previous years.
2. Eligible employees must inform their supervisor and Division/Department head in writing that they are electing to utilize this benefit and how many days/hours they are advancing. Employees may make multiple written requests, if necessary, to advance vacation days; however, they may not advance more days than they are entitled to according to the above provision.
3. Vacation time advanced under this subsection must be scheduled and taken in accordance with existing Divisional/Departmental procedures.
4. Employees shall not be allowed to be paid in cash for advanced vacation time.
5. In instances where a newly hired employee requests to advance vacation days and their employment is severed, any days/hours that were taken but not earned in accordance with 2101.36(a) or (b) above, shall be deducted from the employee's severance or final paycheck.

(h) For purposes of determining years of service, employment with any State of Ohio agency, political subdivision of the State of Ohio, or municipality in the State of Ohio is to be counted after receipt of verifiable documentation.

1. The following situations are not eligible for prior service credit for vacation:
  - a. Any student employment, unless the employment resulted in credit from an Ohio Retirement System;

- b. Employment with other states; and,
  - c. Pursuant to Ohio Revised Code section 9.44(c), retirement in accordance with the provisions of any retirement plan offered by the state, shall not have their prior service counted for determining eligibility for vacation.
2. It is the responsibility of the new employee to obtain documentation verifying prior service.
- a. To request credit for prior service, employees must provide the Department of Human Resources with a written request and supporting documentation.
  - b. Current employees of the City of Toledo have until June 30, 2024 to provide proof of prior service credit for vacation eligibility. Failure to provide verifiable documentation by the deadline shall result in denial of prior service credit.
  - c. New employees shall have six (6) months from their hire date to provide proof of prior service credit for vacation eligibility. Failure to provide verifiable documentation by the deadline shall result in denial of prior service credit.
  - d. Any granted credit for prior service shall take effect during the first pay period that begins immediately following the date the Director of the Department of Human Resources approves granting credit for that prior service. At no time will retroactive accruals be credited.
  - e. Unused vacation time from other jurisdictions will not be recognized by the City.
  - f. All requests for prior service credit will be verified by the Department of Human Resources. Any submission of fraudulent documentation will result in discipline up to and including termination.

SECTION 32. That Toledo Municipal Code Section 2101.38, which states as follows:

2101.38 Funeral Pay.

(a) Employees shall be granted three (3) days funeral pay to arrange for and/or attend the funeral of a member of the employee's immediate family. For the purpose of this section an employee's immediate family shall include father, mother, brother, sister, spouse, child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather, grandmother, grandfather, grandchild, and any other relative residing in the household of the employee.

(b) In the event of the death of the employee's father, mother, brother, sister, spouse, or child, the employee, upon giving notice, shall have the right to take up to an additional three (3) days of sick pay. Such additional time shall be charged to the employee's accumulated sick days. In the event the third day of such period of mourning falls on Saturday, Sunday or a recognized holiday, then the employee shall be allowed the first scheduled work day thereafter. Should a death or burial in the immediate family occur in a city located more than one hundred and fifty (150) miles from Toledo, an additional two (2) days for travel shall be granted and paid.

(c) An employee may take one (1) or two (2) days to attend the funeral and reserve a day to attend to legal matters made necessary by the death, but such time provided herein shall be taken within one (1) week after the date of burial.

This benefit shall also be extended when the relative is a veteran being returned for burial.

(d) One (1) day of funeral pay shall be granted to attend the funeral of the employee's foster mother, foster father, aunt, uncle, first cousin, niece, nephew, sister-in-law and brother-in-law, if such funeral occurs on a regular work day and if such employee was scheduled to work that day.

(e) Where a special filial relationship exists between the employee and any relative for whom the employee would normally be granted the above one (1) day of funeral pay, three (3) days funeral pay shall be granted upon the furnishing of an affidavit to the Division of Human Resources setting forth the facts as to the special relationship. A filial relationship is defined as being one in which the employee bears or assumes a relationship with another individual similar to that of a child, offspring, or parent.

(f) Relationships within this policy which came into existence solely on account of marriage of an employee shall be considered dissolved on the same day said marriage is dissolved by law or death.

The relationships of aunt, uncle, first cousin, niece or nephew shall not be considered to come into existence on account of the marriage of an employee.

The wife or husband of an employee's spouse's sibling shall not be considered to be a sister-in-law or brother-in-law of the employee.

(g) An employee shall be granted funeral pay only after the employee furnishes evidence of the death of the person with whom the employee had a qualifying relationship.

is hereby repealed.

SECTION 33. That Toledo Municipal Code Section 2101.38 is enacted as follows:

#### 2101.38 Funeral Pay.

(a) Employees shall be granted up to three (3) days funeral pay to arrange for and/or attend the funeral or memorial service of a member of the employee's immediate family. For the purpose of this section an employee's immediate family shall include father, mother, brother, sister, spouse, child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchild, grandmother, grandfather, grandchild, great-grandparent, great-grandchildren, spouse's grandparent and any other relative residing in the household of the employee.

(b) In the event of the death of the employee's father, mother, brother, sister, spouse, or child, the employee, upon giving notice, shall have the right to take up to an additional three (3) days of sick pay. Such additional time shall be charged to the employee's accumulated sick days. In the event the third day of such period of mourning falls on Saturday, Sunday or a recognized holiday, then the employee shall be allowed the first scheduled work day thereafter. Should an employee be required to travel in excess of one hundred and fifty (150) miles from Toledo for the funeral or memorial service of an immediate family member, an additional two (2) days for travel shall be granted and paid.

(c) An employee may take one (1) or two (2) days to attend the funeral or memorial service and reserve a day to attend to legal matters made necessary by the death, but such time provided herein shall be taken within three (3) months after the date of death. This benefit shall also be extended when the relative is a veteran being returned for burial.

(d) One (1) day of funeral pay shall be granted to attend the funeral or memorial service of the employee's or employee spouse's foster mother, foster father, aunt, uncle, niece, nephew, sister-in-law and brother-in-law, if such funeral occurs on a regular work day and if such employee was scheduled to work that day.

(e) Where a special filial relationship exists between the employee and any relative, as defined in subsection (d), for whom the employee would normally be granted the above one (1) day of funeral pay, three (3) days funeral pay shall be granted upon the furnishing of an affidavit to the Department of Human Resources setting forth sufficient proof of the special relationship. A filial relationship is defined as being one in which the employee bears or assumes a relationship with another individual similar to that of a child, offspring, or parent.

(f) Relationships within this policy which came into existence solely on account of marriage of an employee shall be considered dissolved on the same day said marriage is dissolved by law or death.

(g) An employee shall be granted funeral pay only after the employee furnishes evidence of the death of the person with whom the employee had a qualifying relationship. All funeral leave days granted under this section must be requested and used by the employee within three (3) months of the date of death. Funeral pay is not payable if the employee is already on an approved leave, whether paid or unpaid.

SECTION 34. That Toledo Municipal Code Section 2101.44, which states as follows:

2101.44 Termination and Severance Pay.

Employees who terminate their employment with the City for any reason shall have their termination pay computed in the following manner:

(a) They shall be compensated for any earned vacation and bonus vacation including any vacation carried over from the previous year and prior years plus vacation earned the year in which the employee terminated. The computation of vacation earned in the year in which the employee terminated shall be in accordance with the following table:

Entitled to 2 weeks -	.916 times the number of months worked
Entitled to 3 weeks -	1.333 times the number of months worked
Entitled to 4 weeks -	1.750 times the number of months worked
Entitled to 5 weeks -	2.166 times the number of months worked
Entitled to 6 weeks -	2.583 times the number of months worked

(b) In addition to the above, the employee shall be paid for any holidays worked for which he/she has not been compensated either in the form of pay or time off. If the employee was entitled to discretionary holidays and has not taken them and is terminated on or before June 30, he/she shall receive pay for one (1) discretionary holiday. If the employee terminates after June 30, he/she shall receive pay for two (2) discretionary holidays.

(c) In addition to the amount set forth in Subsections (a) and (b) hereof, employees who retire or die while in the employment of the City, or employees who separate in good standing from employment after twenty-one (21) years of continuous service with the City, shall also receive severance pay for unused sick time in accordance with the provisions of Section 2101.29, Accumulation of Sick Days; provided, however, to be eligible for sick time payment apart from retirement or death, Police Deputy Chiefs must separate in good standing after twenty-five (25) years of service, and Fire Deputy Chiefs must leave City employment prior to their forty-eighth (48th) birthday with twenty-five (25) years service.

(i) Service shall be deemed to be "continuous" for purposes of this section despite a break in service due to a lay off, a call to military duty, or other circumstance for which a provision of this chapter specifies that employees will continue to accrue seniority.

(ii) An employee who is laid-off shall not be considered to have had continuous service under this section if the employee refuses recall to employment to any position when recall is first offered, but later accepts recall.

(iii) For purposes of this section, "years of service" for those employees hired on or before December 31, 1994 shall only include other public service if an express agreement to count such time for this purpose existed as of November 30, 1994.

(iv) For purposes of this section, to "retire" while in the employment of the city shall mean leaving city employment upon qualifying for retirement under the applicable state retirement system; provided, however, that employees eligible to retire who have worked fewer than eight (8) full continuous years with the city shall only receive severance pay for one-fourth (1/4th) the value of the employee's accrued but unused sick leave credit not to exceed thirty (30) days pay as provided by state law.

(d)

(i) In the event the employee has died as the direct result of injuries sustained in the course of employment with the City, his or her estate shall be paid full accumulated sick time at the time of death.

(ii) Any Police Deputy Chief who is totally and permanently disabled as a result of injuries received under unusual circumstances which may arise in the performance of his/her law enforcement duties, or any Fire Deputy Chief who is totally and permanently disabled as a result of injuries received on duty during activities directly related to fire suppression or medical runs, shall receive payment of the full accumulation of sick pay at the time of retirement. This provision shall have retroactive application to January 1, 1988.

(e) Employees entitled to Longevity Pay shall have that pay added to their base rate when termination pay is calculated.

is hereby repealed.

SECTION 35. That Toledo Municipal Code Section 2101.44 is enacted as follows:

2101.44 Termination and Severance Pay.

Employees who terminate their employment with the City for any reason shall have their termination pay computed in the following manner:

(a) The employee shall be compensated for any vacation hours accumulated in his or her vacation bank at the time of termination.

(b) In addition to the above, the employee shall be paid for any holidays worked for which he/she has not been compensated either in the form of pay or time off. If the employee was entitled to discretionary holidays and has not taken them and is terminated on or before June 30, he/she shall receive pay for one (1) discretionary holiday. If the employee terminates after June 30, he/she shall receive pay for two (2) discretionary holidays.

(c) In addition to the amount set forth in Subsections (a) and (b) herein, employees who retire or die while in the employment of the City, or employees who separate in good standing from employment after twenty-one (21) years of continuous service with the City, shall also receive severance pay for unused sick time in accordance with the provisions of Section 2101.29, Accumulation of Sick Days; provided, however, to be

eligible for sick time payment apart from retirement or death, Police Deputy Chiefs must separate in good standing after twenty-five (25) years of service, and Fire Deputy Chiefs must leave City employment prior to their forty-eighth (48th) birthday with twenty-five (25) years of service.

(i) Service shall be deemed to be "continuous" for purposes of this section despite a break in service due to a lay off, a call to military duty, or other circumstance for which a provision of this chapter specifies that employees will continue to accrue seniority.

(ii) An employee who is laid-off shall not be considered to have had continuous service under this section if the employee refuses recall to employment to any position when recall is first offered, but later accepts recall.

(iii) For purposes of this section, "years of service" for those employees hired on or before December 31, 1994 shall only include other public service if an express agreement to count such time for this purpose existed as of November 30, 1994.

(iv) For purposes of this section, to "retire" while in the employment of the city shall mean leaving city employment upon qualifying for retirement under the applicable state retirement system; provided, however, that employees eligible to retire who have worked fewer than eight (8) full continuous years with the city shall only receive severance pay for one-fourth (1/4th) the value of the employee's accrued but unused sick leave credit not to exceed thirty (30) days pay as provided by state law.

(d)

(i) In the event the employee has died as the direct result of injuries sustained in the course of employment with the City, his or her estate shall be paid full accumulated sick time at the time of death.

(ii) Any Police Deputy Chief who is totally and permanently disabled as a result of injuries received under unusual circumstances which may arise in the performance of his/her law enforcement duties, or any Fire Deputy Chief who is totally and permanently disabled as a result of injuries received on duty during activities directly related to fire suppression or medical runs, shall receive payment of the full accumulation of sick pay at the time of retirement. This provision shall have retroactive application to January 1, 1988.

(e) Employees entitled to Longevity Pay shall have that pay added to their base rate when termination pay is calculated.

SECTION 36. That Toledo Municipal Code Section 2101.45, which states as follows:

2101.45 Coverage - Classified Employee Provisions.

The provisions of Section 2101.47 through 2101.59 shall apply to all employees in the Exempt Service in classified Civil Service positions, or to those in Administrative Salary Groups 1 through 15, (whether classified or unclassified), or to those in Classified Administrative Group 1 through 18 positions, as specified in the title of each section. Provisions herein shall only apply to unclassified employees in the Executive Group or to Police and Fire Deputy Chiefs when "unclassified employees" generally or "Police and Fire Deputy Chiefs" specifically are referenced in the text of a section.

Is hereby repealed.

SECTION 37. That Toledo Municipal Code Section 2101.45 is enacted as follows:

2101.45 Coverage - Classified Employee Provisions.

The provisions of Section 2101.47 through 2101.59 shall apply to all employees in the Exempt Service in classified Civil Service positions, or to those in Administrative Salary Groups 1 through 15, (whether classified or unclassified), or to those in Classified Administrative Group 1 through 18 positions, as specified in the title of each section. Provisions herein shall only apply to unclassified employees in the Executive Group or to Police Deputy Chiefs when "unclassified employees" generally or "Police Deputy Chiefs" specifically are referenced in the text of a section.

SECTION 38. That Toledo Municipal Code Section 2101.46, which states as follows:

2101.46 Suspension Without Hearing - Classified Employees.

No classified employee shall be suspended or taken out of the service of the City without first having been afforded a hearing by the City's designated hearing officer except where it is necessary to immediately suspend the employee pending a hearing.

A classified employee may be suspended pending a hearing only where the charges are theft, embezzlement of public funds, being under the influence or possession of illegal drugs during working hours, physical violence, offenses involving moral turpitude, or gross insubordination. However, where an employee is suspended under this provision, a hearing before the City's designated hearing officer shall be held prior to the end of the next regularly scheduled work day. The sole purpose of the hearing will be to establish whether sufficient cause exists to continue the suspension until a full hearing as provided in Section 2121.48, "Disciplinary Procedure," is held and a determination thereunder rendered. Said full hearing need not be scheduled within the time parameters provided under Section 2121.48; rather, it shall be at the call of the hearing officer.

is hereby repealed.

SECTION 39. That Toledo Municipal Code Section 2101.46 is enacted as follows:

2101.46 Suspension Without Hearing - Classified Employees.

No classified employee shall be suspended or taken out of the service of the City without first having been afforded a hearing by the City's designated hearing officer, except as provided below.

A classified employee may be suspended pending a hearing where management determines the charges are sufficiently egregious, such as: theft, embezzlement of public funds, being under the influence or in possession of illegal drugs, alcoholic beverages, or controlled substances during working hours, physical violence, offenses involving moral turpitude, gross misconduct, or gross insubordination.

However, where an employee is suspended under this provision, a hearing before the City's designated hearing officer shall be held prior to the end of the second regularly scheduled work day. The sole purpose of the hearing will be to establish whether sufficient cause exists to continue the suspension until a full hearing as provided in Section 2101.47, "Disciplinary Procedure," is held and a determination thereunder rendered. Said full hearing need not be scheduled within the time parameters provided under Section 2101.47; rather, it shall be at the call of the hearing officer.

SECTION 40. That Toledo Municipal Code Section 2101.47, which states as follows:

#### 2101.47 Disciplinary Procedure - Classified Employees.

(a) When a classified employee is to be suspended, demoted, or dismissed, the charges against the employee shall be reduced to writing, and one copy shall be delivered to the employee. Delivery to the employee shall be deemed to have occurred if the charges are hand-delivered, or in the event that hand-delivery fails, placed in the U.S. Mail. Where resort to U.S. Mail occurs, the date of the posting shall control and a written certification shall be provided to the hearing officer stating the date of mailing and address to which mailed. The employee's last known address shall be utilized.

Charges must be brought within ten (10) work days of the City having knowledge of the infraction. The hearing shall be held no more than ten (10) work days after the charges have been served on the employee. In the event the hearing cannot be held because of the absence of the employee, Division or Department Head, for any reason, then it shall be held within five (5) work days after the return of the employee, Division or Department Head. The employee shall have the right to be represented at such hearing.

(b) The City's designee shall hear the evidence in support of the charges and the evidence in defense of the charges and shall endeavor to ascertain the truth of the charges. The City's designee shall make a recommendation to the Mayor on the case within five (5) work days after the day of the hearing. In appropriate cases, referral to the Employee Service Program may be considered as an alternative to immediate disciplinary action. If the recommendation of the City's designee is for dismissal or demotion, the Mayor shall then hear oral arguments from the parties relative to the recommended penalty, and render a fair and just decision based on the arguments submitted at the hearing.

(c) Any action taken against the employee shall be subject to the appeal procedure of the Civil Service Commission.

(d) Unclassified employees will not be covered by this procedure and will be subject to discipline at the discretion of the appointing authority, subject to the provisions of the Charter.

(e) The provisions of Section 2101.47 and 2101.48 shall be applied to those treated as exempt from the overtime provisions of the Fair Labor Standards Acts, both classified and unclassified, in a manner consistent with the salary basis test required for such exemption.

is hereby repealed.

SECTION 41. That Toledo Municipal Code Section 2101.47 is enacted as follows:

#### 2101.47 Disciplinary Procedure - Classified Employees.

(a) If an employee commits an infraction and a counseling is not utilized, he or she may be given a written reprimand. A copy of the reprimand will be given to the employee and a copy will be placed in the employee's personnel file.

(b) When a classified employee is to be suspended, demoted, or dismissed, the charges against the employee shall be reduced to writing, and one copy shall be delivered to the employee. Delivery to the employee shall be deemed to have occurred if the charges are hand-delivered, emailed, or in the event that hand-delivery or email fails, placed in the U.S. Mail. Where resort to U.S. Mail occurs, the date of the posting shall control and a written certification shall be provided to the hearing officer stating



the date of mailing and address to which mailed. The employee's last known address shall be utilized.

Charges under paragraph (b) must be brought within fifteen (15) work days of the City having knowledge of the infraction. The hearing shall be held no more than ten (10) work days after the charges have been served on the employee. In the event the hearing cannot be held because of the absence of the employee, or the Division or Department Head, for any reason, then it shall be held within five (5) work days after the return of the employee, or the Division or Department Head. The employee shall have the right to be represented at such hearing.

- (c) The City's designated hearing officer shall hear the evidence in support of the charges and the evidence in defense of the charges and shall endeavor to ascertain the truth of the charges. The City's designated hearing officer shall make a recommendation to the Mayor or his or her designee on the case within ten (10) work days after the day of the hearing. In appropriate cases, referral to the Employee Assistance Program may be considered as an alternative to or part of immediate disciplinary action. If the recommendation of the City's designated hearing officer is for dismissal or demotion and the Mayor or his or her designee concurs, then at the request of the employee, the Mayor or his or her designee shall then hear oral arguments from the parties relative to the recommended penalty, and render a fair and just decision based on the arguments submitted at the hearing.
- (d) Any of the time frames included herein may be extended by mutual agreement of the Parties.
- (e) With the exception of a written reprimand, any disciplinary action taken against the employee under this section shall be subject to the appeal procedure of the Civil Service Commission.
- (f) Unclassified employees will not be covered by this procedure and will be subject to discipline at the discretion of the appointing authority, subject to the provisions of the Charter.
- (g) The provisions of Sections 2101.46 and 2101.47 shall be applied to those treated as exempt from the overtime provisions of the Fair Labor Standards Acts, both classified and unclassified, in a manner consistent with the salary basis test required for such exemption.

SECTION 42. That Toledo Municipal Code Section 2101.48, which states as follows:

2101.48 Probationary Period; Fringe Benefits - Administrative Groups 1-15.

(a) Newly hired employees shall have no seniority during their probationary period, but upon completion of the probationary period their seniority date shall be the date of hire. Newly hired employees, except clerical employees, shall be probationary employees for a period of 120 work days. Newly hired clerical employees shall be probationary employees for a period of seventy-five (75) work days. A newly hired probationary employee in Salary Groups 1-15 shall be entitled to health care benefits, as described in Section 2101.32, immediately upon hire, but shall not receive any other fringe benefits during the first sixty (60) work days of the probationary period unless, due to exceptional circumstances, the appointing authority approves provision of any or all of these benefits during that period. Unclassified employees in groups 1-15 do not serve a probationary period and accordingly shall be entitled to fringe benefits immediately upon hire.

(b) The seniority date of a City employee shall be the date of the employee's appointment as a permanent or provisional employee. If the employee was originally hired as a temporary employee and worked continuously full time and was subsequently made a permanent or provisional employee in any classification without a break

in service, then upon the employee's successful completion of the probationary period in the permanent or provisional position, the employee's seniority date shall be the date of original appointment to the temporary appointment.

(c) All full-time continuous service as a temporary shall be counted for the purpose of determining the employee's entitlement to fringe benefits. If the employee had worked as a temporary continuously full time for one hundred and twenty (120) work days, then the employee shall be eligible for fringe benefits immediately upon appointment as a permanent or provisional employee.

(d) If an employee serving the initial one hundred and twenty (120) work day probationary period established herein fails to work for more than four (4) days during this initial probationary period, then the employee's probationary period shall be extended by the additional number of work days the employee did not work in excess of four (4).

is hereby repealed.

SECTION 43. That Toledo Municipal Code Section 2101.48 is enacted as follows:

2101.48 Probationary Period; Fringe Benefits - Administrative Groups 1-15.

- (a) Newly hired employees shall have no seniority during their probationary period, but upon completion of the probationary period their seniority date shall be the date of hire. Newly hired employees, shall be probationary employees for a period of one hundred twenty (120) work days. The one hundred twenty (120) work day probationary period may be extended in thirty (30) day increments, with appropriate notice to the employee. A newly hired probationary employee in Salary Groups 1-15 shall receive fringe benefits immediately upon hire. Unclassified employees in groups 1-15 do not serve a probationary period and shall also be entitled to fringe benefits immediately upon hire.
- (b) The seniority date of a City employee shall be the date of the employee's appointment as a permanent or provisional employee. If the employee was originally hired as a temporary employee and worked continuously full time and was subsequently made a permanent or provisional employee in any classification without a break in service, then upon the employee's successful completion of the probationary period in the permanent or provisional position, the employee's seniority date shall be the date of original appointment to the temporary appointment.
- (c) All full-time continuous service as a temporary shall be counted for the purpose of determining the employee's entitlement to fringe benefits. If the employee had worked as a temporary continuously full time for one hundred and twenty (120) work days, then the employee shall be eligible for fringe benefits immediately upon appointment as a permanent or provisional employee.
- (d) If an employee serving the initial one hundred and twenty (120) work day probationary period established herein fails to work for more than four (4) days during this initial probationary period, then the employee's probationary period shall be extended by the additional number of work days the employee did not work in excess of four (4).

SECTION 44. That Toledo Municipal Code Section 2101.51, which states as follows:

2101.51 Promotions - Classified Employees.

(a) When a promotional competitive list has been certified to the appointing authority, the division head shall afford the employee on the list an interview. When the division head does not intend to appoint the employee who is first on the list, then he/she shall inform the employee that he/she has not been selected and, where requested, the reason for his/her being bypassed.

(b) When a non-competitive list for a classification in Administrative Salary Groups 1 through 15 has been certified to the Appointing Authority, the division head shall afford the employees on the list an interview. Where the division head does not intend to appoint the employee with the best structured interview, then she/he shall inform the employee that she/he has not been selected. Where requested, the reason(s) for the non-selection shall also be provided.

(c) An employee promoted to a higher classification as a result of certification from a promotional list, who is found to be unsuited for the work of the new classification or who desires to return to his/her former position during the forty-five (45) work day probationary period, shall be reinstated to that former position. If the employee's former position has been filled, the employee filling that position may be removed and reinstated to their former position, and so forth.

(d) Where a permanently certified employee in the classified service is promoted to a position in the unclassified service then he/she shall retain his/her rights in the classified service so that should he/she return to the classified service he/she shall then possess all rights and protections otherwise possessed by classified employees.

(e) In the event a previously classified employee is terminated from his/her position in the unclassified service, then his/her name shall be placed on the eligibility or provisional appointment list for appointment for any position or positions in the classified service he/she is qualified for and he/she shall be considered for appointment to the next vacancy which occurs; except that where termination occurs for cause, placement on any lists shall be at the discretion of the Mayor.

(f) If an employee serving a forty-five (45) work day probationary period established herein fails to work for more than two (2) days during this probationary period, then the employee's probationary period shall be extended by the additional number of work days the employee did not work in excess of two (2).

is hereby repealed.

SECTION 45. That Toledo Municipal Code Section 2101.51 is enacted as follows:

#### 2101.51 Promotions - Classified Employees.

- a) When a promotional competitive list has been certified by the Civil Service Commission, the division head shall afford the employee(s) on the list an interview. When the division head does not intend to appoint the employee who is first on the list, then he/she shall inform the employee that he/she has not been selected and, where requested, the reason for his/her being bypassed.
- b) When a non-competitive list for a classification in the Administrative Salary Groups (1) through (15) has been certified by the Civil Service Commission, the Division head shall afford employees on the list an interview. The Division head may select any person on the list.
- c) An employee promoted to a higher classification as a result of certification from a promotional list, who is found to be unsuited for the work of the new classification or who desires to return to his/her former

position during the thirty (30) work day probationary period, shall be reinstated to that former position. If the employee's former position has been filled, the employee filling that position may be removed and reinstated to their former position, and so forth.

- d) Where a permanently certified employee in the classified service is promoted to a position in the unclassified service then he/she shall retain his/her rights in the classified service so that should he/she return to the classified service he/she shall then possess all rights and protections otherwise possessed by classified employees.
- e) In the event a previously classified employee is terminated from his/her position in the unclassified service, then his/her name shall be placed on the eligibility or provisional appointment list for appointment for any position or positions in the classified service he/she is qualified for and he/she shall be considered for appointment to the next vacancy which occurs. Where termination occurs for cause, placement on any lists shall be at the discretion of the Mayor or his or her designee.
- f) If an employee serving a thirty (30) work day probationary period established herein fails to work for more than two (2) days during this probationary period, then the employee's probationary period shall be extended by the additional number of work days the employee did not work in excess of two (2).

SECTION 46. That Toledo Municipal Code Section 2101.57, which states as follows:

2101.57 Professional Development Allowance - Administrative Salary Groups 1 Through 15.

The City recognizes the unique nature of the work performed by the members of the Exempt Service in groups A-1 through A-15, and the benefit to the City as a result of each member's participation in professional organizations and technical societies. In recognition of the expenses involved in member's attempts to stay current in their particular professional, technical, and management fields the City will pay to each employee in Salary Groups A-1 through A-15 an annual professional development allowance of three hundred (\$300.00) with payment to be made in January of each year by separate check.

The City shall additionally credit each employee in Salary Groups A-1 through A-15 with an annual professional development allowance of up to one hundred fifty (\$150.00). Debits shall be made from this account for professional dues, professional seminars and conferences, educational materials, and like expenses paid by the employee for job-related items. Reimbursement shall then be made by the City up to the specified limitation upon presentation of receipts.

is hereby repealed.

SECTION 47. That Toledo Municipal Code Section 2101.57 is enacted as follows:

2101.57 Professional Development Allowance.

The City recognizes the unique nature of the work performed by the members of the Exempt Service and the benefit to the City as a result of each member's participation in professional organizations and technical societies. Further, the City recognizes the expenses involved in staying current in their particular professional, technical, and management fields.

The City will pay to each permanent employee covered under this Chapter, but excluding sworn Safety Forces personnel, with one (1) year of service with the City of Toledo, calculated at the time of payment, with an annual allowance not to exceed five hundred fifty dollars (\$550.00) in a calendar year. This allowance is

payable in January and shall be used for professional dues, professional seminars and conferences, educational materials, and like expenses paid by the employee for job-related items that are not required to be paid by the City.

SECTION 48. That Toledo Municipal Code Section 2101.58, which states as follows:  
2101.58 Base Annual Salaries - Administrative Groups 1 through 15.

(a) The salary schedule for groups one (1) through fifteen (15) that became effective in June of 2000 is as follows:

<i>SALARY SCHEDULE, GROUPS 1 THROUGH 15 EFFECTIVE JUNE 2000</i>					
<i>LONGEVITY RATES</i>					
<i>SALARY GROUP</i>	<i>FULL RATE</i>	<i>AFTER 5 YEARS</i>	<i>AFTER 10 YEARS</i>	<i>AFTER 15 YEARS</i>	<i>AFTER 20 YEARS</i>
1	23,624.64	23,924.16	24,284.00	24,514.88	24,814.40
2	25,078.56	25,269.92	25,567.36	25,860.64	26,160.16
3	26,547.04	26,840.32	27,139.84	27,437.28	27,732.64
4	28,227.68	28,518.88	28,820.48	29,115.84	29,421.60
5	30,135.04	30,432.48	30,729.92	31,021.12	31,322.72
6	32,489.60	32,816.16	33,144.80	33,463.04	33,802.08
7	35,070.88	35,449.44	35,819.68	36,187.84	36,560.16
8	38,107.68	38,523.68	38,939.68	39,359.84	39,784.16
9	41,791.36	42,255.20	42,710.72	43,168.32	43,628.00
10	43,979.52	44,474.56	44,967.52	45,466.72	45,961.76
11	46,450.56	46,991.36	47,530.08	48,058.40	48,588.80
12	49,306.40	49,880.48	50,458.72	51,036.96	51,602.72
13	52,574.08	53,204.32	53,828.32	54,479.36	55,109.60
14	56,324.32	57,025.28	57,728.32	58,439.68	59,142.72
15	66,801.28	67,541.76	68,273.92	69,012.32	69,742.40

(b) The salary schedule for groups one (1) through fifteen (15) that became effective in April 2001 is as follows:

<i>SALARY SCHEDULE, GROUPS 1 THROUGH 15 EFFECTIVE APRIL 2001</i>					
<i>LONGEVITY RATES</i>					
<i>SALARY GROUP</i>	<i>FULL RATE</i>	<i>AFTER 5 YEARS</i>	<i>AFTER 10 YEARS</i>	<i>AFTER 15 YEARS</i>	<i>AFTER 20 YEARS</i>
1	24,333.92	24,641.76	25,012.00	25,251.20	25,559.04
2	25,615.20	26,027.04	26,334.88	26,636.48	26,944.32
3	27,343.68	27,645.28	27,953.12	28,260.96	28,564.64
4	29,074.24	29,373.76	29,685.76	29,989.44	30,303.52
5	31,039.84	31,345.60	31,651.36	31,950.88	32,262.88

6	33,465.12	33,800.00	34,139.04	34,467.68	34,817.12
7	36,123.36	36,512.32	36,895.04	37,273.60	37,656.32
8	39,251.68	39,680.16	40,108.64	40,541.28	40,978.08
9	43,045.60	43,521.92	43,992.00	44,464.16	44,936.32
10	45,298.24	45,807.84	46,317.44	46,831.20	47,340.80
11	47,848.32	48,401.60	48,956.96	49,499.84	50,046.88
12	50,785.28	51,376.00	51,972.96	52,567.84	53,150.24
13	54,150.72	54,799.68	55,442.40	56,114.24	56,763.20
14	58,013.28	58,735.04	59,460.96	60,193.12	60,916.96
15	68,804.32	69,567.68	70,322.72	71,081.92	71,834.88

(c) The salary schedule for groups one (1) through fifteen (15) that became effective in April of 2001 shall be modified to effectuate a four percent (4%) increase effective the first full pay period in April of 2002:

SALARY SCHEDULE, GROUPS 1 THROUGH 15 EFFECTIVE APRIL, 2002 LONGEVITY RATES					
<i>SALARY GROUP</i>	<i>FULL RATE</i>	<i>AFTER 5 YEARS</i>	<i>AFTER 10 YEARS</i>	<i>AFTER 15 YEARS</i>	<i>AFTER 20 YEARS</i>
1	25,307.36	25,627.68	26,012.48	26,262.08	26,582.40
2	26,640.64	27,069.12	27,387.36	27,701.44	28,021.76
3	28,437.76	28,751.84	29,072.16	29,390.40	29,706.56
4	30,236.96	30,548.96	30,873.44	31,189.60	31,516.16
5	32,281.60	32,599.84	32,918.08	33,228.00	33,552.48
6	34,804.64	35,152.00	35,505.60	35,846.72	36,210.72
7	37,568.96	37,972.48	38,371.84	38,764.96	39,162.24
8	40,822.08	41,267.20	41,712.32	42,163.68	42,617.12
9	44,767.84	45,262.88	45,751.68	46,242.56	46,733.44
10	47,109.92	47,640.32	48,170.72	48,705.28	49,233.60
11	49,761.92	50,338.08	50,914.24	51,480.00	52,047.84
12	52,817.44	53,431.04	54,050.88	54,670.72	55,276.00
13	56,316.00	56,992.00	57,659.68	58,358.56	59,034.56
14	60,334.56	61,085.44	61,838.40	62,601.76	63,352.64
15	71,556.16	72,350.72	73,134.88	73,925.28	74,707.36

(d) Employees hired on or after January 1, 1993, that are not placed from within municipal employment, will be paid at the step rate of the salary provided in this section as follows, subject to paragraph H:

<i>STEP</i>	<i>PERCENTAGES</i>
1st year	75% of full rate
2nd year	85% of full rate

3rd year 95% of full rate  
 4th year 100% of full rate

Employees hired on or after January 1, 1993, who are promoted, transferred, or demoted before completing their third year of City employment shall go to the same step of their new salary group until their anniversary date for that step. A year of service for purposes of the step plan shall mean twelve (12) full months. Employees who are off payroll more than 20 work days during a year of service shall have their year of service extended by their number of uncompensated work days.

<i>START RATES EFFECTIVE JUNE 2000</i>				
<i>SALARY GROUP</i>	<i>75%</i>	<i>85%</i>	<i>95%</i>	<i>100%</i>
1	\$17,717.44	\$20,080.32	\$22,443.20	\$23,624.64
2	\$18,732.48	\$21,228.48	\$23,728.64	\$24,868.48
3	\$19,911.84	\$22,568.00	\$25,222.08	\$26,547.04
4	\$21,172.32	\$23,990.72	\$26,815.36	\$28,227.68
5	\$22,601.28	\$25,615.20	\$28,629.12	\$30,135.04
6	\$24,369.28	\$27,616.16	\$30,865.12	\$32,489.60
7	\$26,303.68	\$29,810.56	\$33,315.36	\$35,070.88
8	\$28,579.20	\$32,391.84	\$36,202.40	\$38,107.68
9	\$31,341.44	\$35,522.24	\$39,700.96	\$41,791.36
10	\$32,984.64	\$37,379.68	\$41,778.88	\$43,979.52
11	\$34,837.92	\$39,484.64	\$44,131.36	\$46,454.72
12	\$36,980.32	\$41,909.92	\$46,839.52	\$49,306.40
13	\$39,430.56	\$44,688.80	\$49,944.96	\$52,574.08
14	\$42,244.80	\$47,875.36	\$53,510.08	\$56,324.32
15	\$50,100.96	\$56,781.92	\$63,460.80	\$66,801.28

<i>START RATES EFFECTIVE APRIL 2001</i>				
<i>SALARY GROUP</i>	<i>75%</i>	<i>85%</i>	<i>95%</i>	<i>100%</i>
1	\$18,249.92	\$20,683.52	\$23,117.12	\$24,333.92
2	\$19,294.08	\$21,864.96	\$24,440.00	\$25,615.20
3	\$20,508.80	\$23,246.08	\$25,979.20	\$27,343.68
4	\$21,806.72	\$24,710.40	\$27,620.32	\$29,074.24
5	\$23,279.36	\$26,382.72	\$29,488.16	\$31,039.84
6	\$25,099.36	\$28,444.00	\$31,790.72	\$33,465.12
7	\$27,092.00	\$30,704.96	\$34,315.84	\$36,123.36
8	\$29,436.16	\$33,363.20	\$37,288.16	\$39,251.68
9	\$32,281.60	\$36,587.20	\$40,892.80	\$43,045.60
10	\$33,974.72	\$38,500.80	\$43,033.12	\$45,298.24
11	\$35,882.08	\$40,668.16	\$45,456.32	\$47,848.32

12	\$38,088.96	\$43,166.24	\$48,245.60	\$50,785.28
13	\$40,614.08	\$46,030.40	\$51,442.56	\$54,150.72
14	\$43,511.52	\$49,312.64	\$55,115.84	\$58,013.28
15	\$51,604.80	\$58,485.44	\$65,364.00	\$68,804.32

START RATES EFFECTIVE APRIL 2002				
SALARY GROUP	75%	85%	95%	100%
1	\$18,980.00	\$21,511.36	\$24,042.72	\$25,307.36
2	\$20,065.76	\$22,738.56	\$25,417.60	\$26,640.64
3	\$21,328.32	\$24,175.84	\$27,019.20	\$28,437.76
4	\$22,678.24	\$25,698.40	\$28,724.80	\$30,236.96
5	\$24,211.20	\$27,437.28	\$30,667.52	\$32,281.60
6	\$26,104.00	\$29,581.76	\$33,061.60	\$34,804.64
7	\$28,175.68	\$31,932.16	\$35,688.64	\$37,568.96
8	\$30,613.44	\$34,698.56	\$38,779.52	\$40,822.08
9	\$33,573.28	\$38,051.52	\$42,527.68	\$44,767.84
10	\$35,332.96	\$40,040.00	\$44,755.36	\$47,109.92
11	\$37,317.28	\$42,294.72	\$47,274.24	\$49,761.92
12	\$39,611.52	\$44,892.64	\$50,175.84	\$52,817.44
13	\$42,238.56	\$47,871.20	\$53,499.68	\$56,316.00
14	\$45,252.48	\$51,284.48	\$57,320.64	\$60,334.56
15	\$53,668.16	\$60,825.44	\$67,978.56	\$71,556.16

(e)

(1) For Classified Exempt employees with a City seniority date on or before December 31, 2008, at any time that the full rates or longevity rates or other payments, such as pension pick-ups, lump sums, and allowances, established for groups one (1) through fifteen (15) become less than one full percent (1.0%) above the total of corresponding compensation in Chapter 2105 of the Code, entitled "Supervisory, Technical and Professional Employees Union Local 2058", then those rates or payments shall be increased or corresponding payments initiated so that the total of corresponding compensation for groups one (1) through fifteen (15) is one percent (1.0%) over the total corresponding Local 2058 compensation.

(2) For Classified Exempt employees with a City seniority date on or after January 1, 2009, the provision of Section 2101.58(e)(1) with respect to pension pick-up does not apply.  
(Ord. 8-09. Passed 1-20-09.)

(f) Employees who are "red circled" at a rate above the authorized rate for their classification shall receive no increases in their red-circled rates, but shall be given a lump sum payment computed by multiplying the percentage increase in "Hay Rates" that year by their base annual red-circle rate. Annual lump sum payments shall continue until the increases in the authorized ("Hay") rates provided in the foregoing paragraphs of this



section causes those rates to equal or exceed the employees' red-circle rates. These lump sum payments, which shall not be added to the base rates, shall be payable the first full pay period of January of each year to those red-circled employees then on the payroll. In the year in which the Hay Rate equals or exceeds the red-circled rate for employees, the employees shall receive a lump sum computed by adding the percentage increase in the Hay Rate that year to their red-circle rate and subtracting their new Hay Rate. They shall then be paid at their new Hay Rate.

(g) An employee who is promoted or who works above his/her classification will receive the Promotional Starting Rate of the class to which the employee has been promoted unless the Promotional Starting Rate of the new classification is less than four percent (4%) greater than the rate the employee was earning in his/her regular classification. If the Promotional Starting Rate of the new classification is not at least four percent (4%) greater than the rate the employee was earning in his/her regular classification, then the employee shall receive the full rate of the new classification. Promoted employees at the Promotional Starting Rate will remain at the rate for one (1) year after their appointment to that classification subject to paragraph (f). The Promotional Starting rates shall be as follows:

SALARY GROUP	2000	2001	2002
1	\$21,263.84	\$21,902.40	\$22,778.08
2	\$22,474.40	\$23,148.32	\$24,073.92
3	\$23,884.64	\$24,600.16	\$25,584.00
4	\$25,398.88	\$26,160.16	\$27,206.40
5	\$27,119.04	\$27,932.32	\$29,049.28
6	\$29,244.80	\$30,122.56	\$31,326.88
7	\$31,568.16	\$32,514.56	\$33,814.56
8	\$34,290.88	\$35,320.48	\$36,732.80
9	\$36,420.80	\$37,512.80	\$39,012.48
10	\$38,315.68	\$39,465.92	\$41,044.64
11	\$40,476.80	\$41,691.52	\$43,359.68
12	\$42,960.32	\$44,249.92	\$46,020.00
13	\$45,805.76	\$47,180.64	\$49,067.20
14	\$49,081.76	\$50,554.40	\$52,576.16
15	\$56,784.00	\$58,487.52	\$60,827.52

(h) At the discretion of the appointing authority either newly hired employees, or an employee who is promoted or works above his/her classification, may be paid at the Starting Rate of the salary shown in this section for the period indicated, as specified in the aforementioned paragraphs (d) and (g), or due to extenuating circumstances, may be paid at a higher starting rate or at the full rate of their salary grade.

(i) Whenever it becomes necessary to determine the hourly or daily rate of pay for an employee whose rate is stated herein as an annual salary, the determination shall be made by dividing the annual salary by two thousand eighty (2,080) to determine the hourly rate, or by two hundred sixty (260) to determine the daily rate

of compensation for the employee.

(j) In addition to the above amounts, employees in Salary Groups one (1) through fifteen (15) appointed prior to July 1, 1982, shall be entitled to and be paid longevity pay for their years of service with the City. Employees hired prior to July 1, 1972, shall be paid longevity based on their years of service with the City as of that date. Employees hired after July 1, 1972, shall be paid longevity based on their continuous service to the City after that date. Any employee hired after July 1, 1972, shall not receive credit for any prior service to the City for the purpose of determining the longevity pay to which the employee may be entitled.

The employee's longevity pay shall be determined either by multiplying the longevity hourly base rate by the appropriate percentage as listed below or by way of the charts set forth in paragraph (a) above. Employees shall continue to receive longevity pay based on their present longevity base rate, or at the rate listed below, or at the rate provided in paragraph (a), whichever is greater. Employees promoted will receive the base rate designated below for their new salary group, or retain their present longevity base rate, or the rate provided in paragraph (a), whichever is greater.

#### *LONGEVITY BASE RATES*

<i>SALARY GROUP</i>	<i>HOURLY RATE</i>
1	\$ 4.608
2	\$ 4.608
3	\$ 4.608
4	\$ 4.608
5	\$ 4.608
6	\$ 5.074
7	\$ 5.768
8	\$ 6.506
9	\$ 7.104
10	\$ 7.702
11	\$ 8.291
12	\$ 8.928
13	\$ 9.865
14	\$10.923

<i>CALENDAR YEARS OF CONTINUOUS SERVICE</i>	<i>PERCENT OF LONGEVITY</i>
<i>BASE WAGE</i>	
After 5 years	2%
After 10 years	4%
After 15 years	6%
After 20 years	8%

The amount determined by multiplying the longevity hourly base rate by the appropriate percentage shall be incorporated into the base rates of pay for those entitled to longevity pay. Employees entitled to longevity pay shall be paid in accordance with that rate or the annual salary established for employees with five (5) full years of continuous years service, ten (10) full years of continuous years service, fifteen (15) full years of continuous years service, and twenty (20) full years of continuous years service, as set forth in paragraph (a), whichever is greater.

is hereby repealed.

SECTION 49. That Toledo Municipal Code Section 2101.58 is enacted as follows:

**2101.58 Base Annual Salaries - Administrative Groups 1 through 15.**

(a) Starting the first full pay period of January 2023, the rates which were effective in January 2022 shall be increased by four percent (4.0%).

Salary Group	Start Rate	Full Rate
1	16.250	17.105
2	17.178	18.082
3	18.262	19.223
4	19.418	20.440
5	20.730	21.821
6	22.348	23.524
7	24.140	25.411
8	26.211	27.591
9	28.748	30.261
10	30.251	31.843
11	31.955	33.637
12	33.915	35.700
13	36.164	38.067
14	38.745	40.784
15	45.949	48.367

Starting the first full pay period of January 2024, the rates which were effective in January 2023 shall be increased by four percent (4.0%).

Salary Group	Start Rate	Full Rate
1	16.900	17.789
2	17.865	18.805
3	18.992	19.992
4	20.195	21.258
5	21.559	22.694
6	23.242	24.465
7	25.106	26.427
8	27.260	28.695
9	29.897	31.471
10	31.461	33.117
11	33.233	34.982
12	35.272	37.128
13	37.611	39.590
14	40.294	42.415
15	47.787	50.302

(b) The purpose of this section is to maintain at least a one percent (1%) base wage rate differential between Administrative Group 1 through 15 employees and AFSCME Local 2058 Group 1 through 15 employees. Accordingly, all base wage rates for Administrative Group 1 through 15 employees will increase by the same percentage and will be effective the same date as the corresponding AFSCME Local 2058 Group 1 through 15 wage increase. However, any lump sums or allowances granted to AFSCME Local 2058 shall be awarded to Administrative Group 1 through 15 employees in an equal amount and are not subject to the one percent (1%) differential.

(c) Effective January 1, 2024, new employees shall earn the start rate for the duration of the probationary period, including any extensions thereof, pursuant to Section 2101.48. After successful completion of the probationary period, employees shall earn the full rate. Unclassified employees in pay groups 1 through 15, who do not serve a probationary period must work one hundred twenty (120) workdays or nine hundred sixty (960) actual work hours before earning the full rate.

Employees who are promoted, transferred, or demoted shall go to the same level of their new salary group. If an employee is promoted during their initial probationary period, the employee shall earn the start rate of the new classification until the longer of either the initial or promotional probationary period, including any extensions, expires.

(d) Administrators and Managers who possess a current and active Professional Engineer license and are required to use their license in accordance with their job description or classification will receive one percent (1%) over the Senior Professional Engineer rate corresponding with their years of experience as a Professional Engineer.

(e) At the discretion of the Appointing Authority, newly hired employees may be paid at the full rate of their salary grade instead of the listed start rate.

(f) Whenever it becomes necessary to determine the hourly or daily rate of pay for an employee whose rate is stated herein as an annual salary, the determination shall be made by dividing the annual salary by two thousand eighty (2,080) to determine the hourly rate, or by two hundred sixty (260) to determine the daily rate of compensation for the employee.

(g) Employees who are “red-circled” at a rate above the authorized rate for their classification shall receive no increases in their red-circled rates.

SECTION 50. That Toledo Municipal Code Section 2101.59, which states as follows:

2101.59 Promotions.

(a) Notwithstanding any provision of the Toledo Municipal Code to the contrary, an individual who is promoted from the classified service to the position of Director of Police Operations or Director of Fire and Rescue Operations shall, in the event he/she voluntarily relinquishes or is terminated from said position for reasons other than cause, be permitted to return to the position in the classified service from which he/she was promoted with all the rights and benefits pertaining to said position.

(b) Appointments to the rank of Deputy Chief in the Toledo Police Division and to the positions of exempt Deputy Chief and Assistant Chief in the Fire and Rescue Operations, may be made on a pro tem basis. No examination shall be conducted, nor shall an eligibility list be established for use in making such appointments.

Selection of Deputy Chiefs-Pro Tem and Assistant Chief-Pro Tem shall be at the discretion of the Director-Police Operations and Director-Fire and Rescue Operations.

Police Deputy Chief-Pro Tem selections shall be made from among Police Captains with a minimum of two years in grade. Appointees shall serve only so long as the Director-Police Operations or the employee desires. Appointees shall then have a right to return to the rank of Captain.

Fire Deputy Chief-Pro Tem selections shall be made from among Fire Battalion Chiefs and those Deputy Chiefs in the Toledo Fire Chief's Association bargaining unit. The Fire Assistant Chief selection may be made from within the department on a promotional basis or from outside the department on a recruitment basis. Appointees promoted from the rank of Battalion Chief shall serve only so long as the Director-Fire and Rescue Operations or the employee desires, and shall have the right to return or be returned to the rank of Battalion Chief.

The requirements and procedures set forth elsewhere in this Chapter for reductions in rank and voluntary demotions shall not be applicable to returns to the rank of Police Captain and Fire Chief.

Employees appointed to a Deputy Chief-Pro Tem or Assistant Chief-Pro Tem position shall immediately be eligible for Exempt Service fringe benefits.

is hereby repealed.

SECTION 51. That Toledo Municipal Code Section 2101.59 is enacted as follows:  
2101.59 Promotions - Police Deputy Chiefs.

(a) Notwithstanding any provision of the Toledo Municipal Code to the contrary, an individual who is promoted from the classified service to the position of Director of Police Operations or Director of Fire and Rescue Operations shall, in the event he/she voluntarily relinquishes or is terminated from said position for reasons other than cause, be permitted to return to the position in the classified service from which he/she was promoted with all the rights and benefits pertaining to said position.

(b) Appointments to the rank of Deputy Chief in the Toledo Police Department may be made on a pro tem basis. No examination shall be conducted, nor shall an eligibility list be established for use in making such appointments. Selection of Deputy Chiefs-Pro Tem shall be at the discretion of the Director-Police Operations.

Police Deputy Chief-Pro Tem selections shall be made from among Police Captains with a minimum of two years in grade. Appointees shall serve only so long as the Director-Police Operations or the employee desires. Appointees shall then have a right to return to the rank of Captain.

The requirements and procedures set forth elsewhere in this Chapter for reductions in rank and voluntary demotions shall not be applicable to returns to the rank of Police Captain.

Employees appointed to a Deputy Chief-Pro Tem position shall immediately be eligible for Exempt Service fringe benefits.

SECTION 52. That Toledo Municipal Code Section 2101.60, which states as follows:

2101.60 Relief From Duty--Police Deputy Chiefs, Exempt Fire Deputy Chiefs, and Fire Assistant Chief.

No employee shall be relieved from duty without first being afforded a hearing as provided in Section

2101.62 (Suspension or Disciplinary Action) except where it is necessary to immediately relieve the employee from duty for the safety and welfare of the community, or to preserve the good order of the Division.

is hereby repealed.

SECTION 53. That Toledo Municipal Code Section 2101.60 is enacted as follows:

**2101.60 Relief From Duty--Police Deputy Chiefs**

No employee shall be relieved from duty without first being afforded a hearing as provided in Section 2101.61 (Suspension or Disciplinary Action) except where it is necessary to immediately relieve the employee from duty for the safety and welfare of the community, or to preserve the good order of the Department.

SECTION 54. That Toledo Municipal Code Section 2101.61, which states as follows:

**2101.61 Suspension or Disciplinary Action--Police Deputy Chiefs, Exempt Fire Deputy Chiefs, and Fire Assistant Chief.**

(a) When disciplinary charges are to be filed against a Deputy Chief or the Fire Assistant Chief, their director shall have the charges against the employee reduced to writing with two (2) copies of the charges to be served on the employee. Fire Chiefs shall be served within ten (10) days of the occurrence or the Director-Fire and Rescue Operation's knowledge thereof, or within twenty (20) days if extensive investigation is required. In the event of pending civil or criminal matters, the above time frames may be extended until the conclusion of such investigation.

(b) A hearing shall be held not less than seven (7) work days after the charges have been served on the employee. In the event the hearing cannot be held because of the absence of the employee or director or his/her designated representative(s) for any reason, then it shall be held not less than seven (7) nor more than fourteen (14) work days after the return of the employee, the director or his/her designated representative(s). The employee shall have the right to be represented at such hearing.

(c) The director shall hear the evidence in support of the charges and the evidence in defense of the charges and shall endeavor to ascertain the truth of the charges. The director shall take whatever disciplinary action is merited based on the evidence he/she has heard. Such action may include, but shall not be limited to, reducing the accrued vacation time of the employee in lieu of a suspension.

(d) If the director has penalized an employee with more than a reprimand, then he/she shall forthwith, in writing, certify to the Director of Public Safety, the fact of such action. Within five (5) work days from the receipt of such certification, the Director of Public Safety shall proceed to inquire into the cause of the matter as provided in Section 143 of the Charter of the City of Toledo. The Director of Public Safety may conduct a hearing on the matter as provided in the Charter and the employee may be represented at such hearing.

(e) The Director of Public Safety shall render judgment in the matter and take action as he/she deems suitable as provided in the Charter. The decision of the Director of Public Safety shall be subject to appeal to the Civil Service Commission as provided in Section 144 of the Charter.

(f) The provisions of Section 2101.60 and 2101.61 are to be applied in a manner consistent with the salary basis test providing exemption from the overtime provisions of the Fair Labor Standards Act.

Is hereby repealed.

SECTION 55. That Toledo Municipal Code 2101.61 is enacted as follows:

2101.61 Suspension or Disciplinary Action--Police Deputy Chiefs

- (a) When disciplinary charges are to be filed against a Deputy Chief the Police Chief shall have the charges against the employee reduced to writing with two (2) copies of the charges to be served on the employee. Deputy Chiefs shall be served within ten (10) days of the occurrence or the Police Chief's knowledge thereof, or within twenty (20) days if extensive investigation is required. In the event of pending civil or criminal matters, the above time frames may be extended until the conclusion of such investigation.
- (b) A hearing shall be held not less than seven (7) work days after the charges have been served on the employee. In the event the hearing cannot be held because of the absence of the employee or director or his/her designated representative(s) for any reason, then it shall be held not less than seven (7) nor more than fourteen (14) work days after the return of the employee, the director or his/her designated representative(s). The employee shall have the right to be represented at such hearing.
- (c) The director shall hear the evidence in support of the charges and the evidence in defense of the charges and shall endeavor to ascertain the truth of the charges. The director shall take whatever disciplinary action is merited based on the evidence he/she has heard.
- (d) If the director has penalized an employee with more than a reprimand, then he/she shall forthwith, in writing, certify to the Director of Public Safety, the fact of such action. Within five (5) work days from the receipt of such certification, the Director of Public Safety shall proceed to inquire into the cause of the matter as provided in Section 143 of the Charter of the City of Toledo. The Director of Public Safety may conduct a hearing on the matter as provided in the Charter and the employee may be represented at such hearing.
- (e) The Director of Public Safety shall render judgment in the matter and take action as he/she deems suitable as provided in the Charter. The decision of the Director of Public Safety shall be subject to appeal to the Civil Service Commission as provided in Section 144 of the Charter.
- (f) The provisions of Section 2101.60 and 2101.61 are to be applied in a manner consistent with the salary basis test providing exemption from the overtime provisions of the Fair Labor Standards Act.

SECTION 56. That Toledo Municipal Code Section 2101.62, which states as follows:

2101.62 Reprimand--Police Deputy Chiefs and Exempt Fire Deputy Chiefs, and Fire Assistant Chief.

When it becomes necessary for the Director-Police Operations and Director-Fire and Rescue Operations to reprimand a Deputy Chief or Assistant Chief, it shall be done with discretion in a manner as not to cause public embarrassment to the employee. However, this does not preclude the Director from taking immediate action to resolve an ongoing situation.

is hereby repealed.

SECTION 57. That Toledo Municipal Code Section 2101.62 is enacted as follows:

2101.62 Reprimand--Police Deputy Chiefs.

When it becomes necessary for the Director-Police Operations to reprimand a Deputy Chief, it shall be done with discretion in a manner as not to cause public embarrassment to the employee. However, this does not preclude the Director from taking immediate action to resolve an ongoing situation.

SECTION 58. That Toledo Municipal Code Section 2101.63, which states as follows:

2101.63 Safety Equipment and Welfare -- Police Deputy Chiefs, Exempt Fire Deputy Chiefs, and Fire Assistant Chief.

(a) The City will provide a purchase plan whereby Deputy Chiefs and the Fire Assistant Chief will be able to purchase safety shoes, safety glasses, including prescriptive lenses, and for Police Deputy Chiefs, a bullet proof vest, through a City program. The purchase program for the safety shoes and the safety glasses shall make these items available at sixty percent (60%) of the cost of the item to the City with the remaining forty percent (40%) to be paid by the employee. The purchase program for the bullet proof vest shall make this item available through payroll deduction to the employee at fifty percent (50%) of the cost of the item to the City with the remaining fifty percent (50%) to be paid by the employee. Each Police Deputy Chief will be allowed to purchase one (1) bulletproof vest through this program through the term of this chapter.

(b) When it becomes necessary for a Police Deputy Chief to have his/her issued holster replaced, the Deputy Chief may have the option of receiving the standard Division holster or purchasing another holster from an outside source which the Division approves. The City will compensate the Deputy Chief for the cost of the Division holster and the Deputy Chief will pay the balance.

(c) The following annual stipends shall be provided to all Police Deputy Chiefs and the Director-Police Operations.

(i) \$150.00 - Police safety equipment not provided by the division, but conforming to division specifications and regulations in the event the officer purchases same.

(ii) \$75.00 - Advanced law enforcement training and educational material.

(iii) \$175.00 - Maintenance of physical fitness necessary to effective police work.  
Said stipends shall be payable in the gross amount of four hundred dollars (\$400.00).

is hereby repealed.

SECTION 59. That Toledo Municipal Code Section 2101.63 is enacted as follows:

2101.63 Safety Equipment and Welfare -- Police Deputy Chiefs.

(a) The City will provide a purchase plan whereby Deputy Chiefs will be able to purchase safety shoes, safety glasses, including prescriptive lenses, and a bullet proof vest, through a City program. The purchase program for the safety shoes and the safety glasses shall make these items available at sixty percent (60%) of the cost of the item to the City with the remaining forty percent (40%) to be paid by the employee. The purchase program for the bullet proof vest shall make this item available through payroll deduction to the employee at fifty percent (50%) of the cost of the item to the City with the remaining fifty percent (50%) to be



paid by the employee. Each Police Deputy Chief will be allowed to purchase one (1) bulletproof vest through this program through the term of this chapter.

(b) When it becomes necessary for a Police Deputy Chief to have his/her issued holster replaced, the Deputy Chief may have the option of receiving the standard Division holster or purchasing another holster from an outside source which the Division approves. The City will compensate the Deputy Chief for the cost of the Division holster and the Deputy Chief will pay the balance.

(c) The following annual stipends shall be provided to all Police Deputy Chiefs and the Director-Police Operations.

(i) \$150.00 - Police safety equipment not provided by the division, but conforming to division specifications and regulations in the event the officer purchases same.

(ii) \$75.00 - Advanced law enforcement training and educational material.

(iii) \$175.00 - Maintenance of physical fitness necessary to effective police work.

Said stipends shall be payable in the gross amount of four hundred dollars (\$400.00).

SECTION 60. That Toledo Municipal Code Section 2101.64, which states as follows:

2101.64 Clothing Allowance - Director-Fire and Rescue Operations, Director-Police Operations, Police Deputy Chiefs, Exempt Fire Deputy Chiefs, and Fire Assistant Chief.

The City shall provide required uniform clothing, insignia, leather goods, and all required equipment, except socks and footgear. Personally used uniform clothing and equipment shall upon the service or disability retirement or death of a Fire Deputy Chief or the Fire Assistant Chief become the property of the employee or his/her estate.

The Director-Police Operations and Police Deputy Chiefs, when assigned to work in civilian clothes for a period in excess of sixty (60) days, shall be compensated on a pro rated basis in the amount of four hundred dollars (\$400.00) annual clothing replacement and maintenance allowance. Such payment to be made June 30 of each year, based on the number of month in the previous twelve (12) month period that he/she was required to work in civilian clothes.

Is hereby repealed.

SECTION 61. That Toledo Municipal Code Section 2101.64 is enacted as follows:

2101.64 Clothing Allowance - Director-Fire and Rescue Operations, Director-Police Operations and Police Deputy Chiefs.

The City shall provide required uniform clothing, insignia, leather goods, and all required equipment, except socks and footgear. Upon the service or disability retirement or death of the Fire Chief, Police Chief, or Police Deputy Chief, used uniform clothing and equipment shall become the property of the employee or his/her estate.

When assigned to work in civilian clothes for a period in excess of sixty (60) days, Police Chief, the Fire Chief, and the Police Deputy Chiefs shall be compensated on a prorated basis in the amount of four

hundred dollars (\$400.00) annual clothing replacement and maintenance allowance. Such payment to be made June 30 of each year, based on the number of month in the previous twelve (12) month period that he/she was required to work in civilian clothes.

SECTION 62. That Toledo Municipal Code Section 2101.66, which states as follows:

2101.66 Overtime--Police Deputy Chiefs and Exempt Fire Deputy Chiefs.

Police Deputy Chiefs shall be entitled to compensation for overtime hours worked during emergency situations. The Director-Police Operations shall determine when said emergency exists.

Periods worked by Fire Deputy Chiefs beyond regular days shall not be considered overtime for the purpose of compensation except under extraordinary circumstances so defined by the Director-Fire and Rescue Operations.

is hereby repealed.

SECTION 63. That Toledo Municipal Code Section 2101.66 is enacted as follows:

2101.66 Overtime--Police Deputy Chiefs.

Police Deputy Chiefs shall be entitled to compensation for overtime hours worked during emergency situations. The Director-Police Operations shall determine when said emergency exists.

SECTION 64. That Toledo Municipal Code Section 2101.68, which states as follows:

2101.68 The Police and Firemen's Disability and Pension Fund.

(a) The City will continue to participate in the Police and Firemen's Disability and Pension Fund, as provided in the Ohio Revised Code, for the Director-Fire and Rescue Operations, Director-Police Operations and Police and Fire Deputy Chiefs, and Fire Assistant Chief. The City will continue the pension "pick-up" plan in accordance with Internal Revenue Service regulations and Ohio Attorney General opinions, whereby State and Federal Income Taxes on employee pension contributions by these individuals are deferred.

(b) As to the Director of Police Operations, Director of Fire and Rescue Operations, Police Deputy Chiefs, exempt Fire Deputy Chiefs, and Fire Assistant Chief, in addition to and apart from the "designated pick-up" plan above, the City will continue to pick-up and pay the four percent (4%) of each individual employee's ten percent (10%) pension contribution in lieu of the employee paying the same, as provided by prior Code amendments to this Chapter and to Chapter 2109 (1986 1%, 1/97 1%, 1/98 1%, 1/99 1%), thereby reducing the employee payment to six percent (6%).

(c) Effective the first full pay period in January of 2000, the City will pick-up and pay an additional one-half percent (0.5%) of each individual employee's pension contribution (employee payment reduced from 6% to 5.5%) in lieu of the employee paying same.

(d) Effective the first full pay period in January of 2001, the City will pick up and pay an additional one-quarter percent (.25%) of each individual employee's pension contribution (employee payment reduced from 5.5% to 5.25%) in lieu of the employee paying same.

(e) Effective the first full pay period in January of 2002, the City will pick up and pay an additional one-

quarter percent (.25%) of each individual employee's pension contribution (employee payment reduced from 5.25% to 5.0%) in lieu of the employee paying the same.

(f) Employees are prohibited from receiving the payments specified in paragraph (b) through (e) directly instead of having them paid by the City to the pension plan.

Is hereby repealed.

SECTION 65. That Toledo Municipal Code Section 2101.68 is enacted as follows:

2101.68 The Ohio Police and Fire Pension Fund.

(a) The City will continue to participate in the Police and Fire Pension Fund, in accordance with the Ohio Revised Code, for the Director-Fire and Rescue Operations, Director-Police Operations and Police Deputy Chiefs.

(b) In the event that the employee's share of the pension payment increases due to a change in law or regulation, the employee shall be responsible for paying the entire amount of the increased employee contribution.

(c) The City shall not pay any percentage of any employee's pension contribution in lieu of the employee paying same unless specifically required by law.

SECTION 66. That Toledo Municipal Code Section 2101.69, which states as follows:

2101.69 Travel, Clothing Maintenance and Training Allowance.

The Director of Fire Operations, each exempt Fire Deputy Chief, and the Fire Assistant Chief shall receive a combined allowance of Five Hundred and Seventy Five Dollars (\$575.00) in January of each year toward uniform cleaning and maintenance, travel time and mileage outside normal work hours, and National Fire Protection Association and/or International Fire Chiefs' Association dues.

is hereby repealed.

SECTION 67. That Toledo Municipal Code Section 2101.69 is enacted as follows:

2101.69 Travel, Clothing Maintenance and Training Allowance.

The Director of Fire Operations shall receive a combined allowance of Five Hundred and Seventy Five Dollars (\$575.00) in January of each year toward uniform cleaning and maintenance, travel time and mileage outside normal work hours, and National Fire Protection Association and/or International Fire Chiefs' Association dues.

SECTION 68. That Toledo Municipal Code Section 2101.70, which states as follows:

2101.70 Base Annual Salaries -- Police and Fire Deputy Chiefs.

(a) Police Deputy Chief: - Group 94:

The salaries which became effective in the first full pay period January of 2001 are as follows:

**SALARY SCHEDULE - GROUP 94**

**JANUARY, 2001**

	<i>Annually</i>
AFTER 5 YEARS	\$78,827.84
AFTER 10 YEARS	79,838.72
AFTER 15 YEARS	80,835.04
AFTER 20 YEARS	81,864.64

The foregoing salary schedule shall be modified to effectuate a four percent (4%) increase effective the first full pay period in January 2002, as follows:

**SALARY SCHEDULE - GROUP 94**

**JANUARY, 2002**

	<i>Annually</i>
AFTER 5 YEARS	\$81,981.12
AFTER 10 YEARS	83,031.52
AFTER 15 YEARS	84,069.44
AFTER 20 YEARS	85,138.56

The foregoing rates shall be maintained at eleven percent (11%) greater than Police Captains' rates at corresponding years of service. Further, Police Deputy Chiefs shall automatically receive any pension pick-ups, lump sums, and allowances on the same basis as those provided to Police Captains as part of the Captains' total compensation. This shall not be considered to include any payments to Captains under the Career Enhancement Program.

Effective May of 2000 each Police Deputy Chief shall be paid a lump sum payment equal to one percent (1%) of his or her annual base wage rate.

Effective January of 2001, each Police Deputy Chief shall be paid a lump sum payment equal to one percent (1%) of his or her annual base wage rate.

Effective January of 2002, each Police Deputy Chief shall be paid a lump sum payment equal to one percent (1%) of his or her annual base wage rate.

For the purposes of the Police Deputy Chief wage rates, years of service shall be determined as follows: employees hired prior to July 1, 1972, shall be paid based on their years of service with the City as of that date; employees hired after July 1, 1972 shall be paid based on their continuous service to the City of Toledo after that date. Any employee hired after July 1, 1972 shall not receive credit for any prior service to the City for the purpose of determining "years of service" pay to which the employee may be entitled.

After twenty-six (26) full years from the date of appointment to the Division, Police Deputy Chiefs shall be paid an annual payment of two percent (2%) of the 1988 annual base of the applicable command rank, which shall not be added to their base rate. The amount shall be paid during the week in which they begin their twenty-seventh year of service.

(b) Exempt Fire Deputy Chiefs - Group 84:

The salaries which became effective January of 2001 are as follows:

*SALARY SCHEDULE - GROUP 84  
JANUARY, 2001*

	<i>Annually</i>
AFTER 5 YEARS	\$80,248.82
AFTER 10 YEARS	81,275.93
AFTER 15 YEARS	82,287.70
AFTER 20 YEARS	83,338.80

The foregoing salary schedule shall be modified to effectuate a four percent (4.0%) increase effective the first full pay period in January of 2002, as follows:

*SALARY SCHEDULE - GROUP 84  
JUNE, 2002*

	<i>Annually</i>
AFTER 5 YEARS	\$83,458.82
AFTER 10 YEARS	84,526.97
AFTER 15 YEARS	85,579.21
AFTER 20 YEARS	86,672.36

The foregoing rates shall continue to be maintained at a level at least twelve percent (12%) greater than Fire Battalion Chief's rates at corresponding years of service.

is hereby repealed.

SECTION 69. That Toledo Municipal Code Section 2101.70 is enacted as follows:

2101.70 Base Annual Salaries -- Police Deputy Chiefs.

(a) Police Deputy Chief: - Group 94:

Police Deputy Chief wage rates shall be maintained at eleven percent (11%) greater than Police Captains' rates at corresponding years of service. Further, Police Deputy Chiefs shall automatically receive any lump sums, and allowances on the same basis as those provided to Police Captains as part of the Captains' total compensation. This shall not be considered to include any payments to Captains under the Career Enhancement Program.

Employees hired after July 1, 1972 shall be paid based on their continuous service to the City of Toledo after that date. Any employee hired after July 1, 1972 shall not receive credit for any prior service to the City for the purpose of determining "years of service" pay to which the employee may be entitled.

After twenty-six (26) full years from the date of appointment to the Division, Police Deputy Chiefs shall be paid an annual payment of two percent (2%) of the 1988 annual base of the applicable command rank, which shall not be added to their base rate. The amount shall be paid during the week in which they begin their twenty-seventh year of service.

SECTION 70. That Toledo Municipal Code Section 2101.71, which states as follows:

2101.71 Coverage - Executive Group Provisions.

The provisions of Sections 2101.71 through 2101.76 apply to employees in the Exempt Service in Salary Groups L-1 through L-4, and E-1 through E-4, collectively known as the Executive Group, except as limited by any of those sections.

Is hereby repealed.

SECTION 71. That Toledo Municipal Code Section 2101.71 is enacted as follows:

2101.71 Coverage - Executive Group Provisions.

The provisions of Sections 2101.71 through 2101.76 apply to employees in the Exempt Service in Salary Groups L-1 through L-4, and E-1 through E-5, collectively known as the Executive Group, except as limited by any of those sections.

SECTION 72. That Toledo Municipal Code Section 2101.74, which states as follows:

2101.74 Base Annual Salaries - Executive Group.

(a) The following base annual salaries for groups E-1 through E-4 are effective on and after January 1, 1998:

<i>SALARY GROUP</i>	<i>ANNUAL MINIMUM RATE</i>	<i>MAXIMUM RATE</i>
E-1	\$48,500	\$68,500
E-2	\$52,000	\$77,500
E-3	\$54,000	\$80,000
E-4	\$60,500	\$92,500

(b) The following base annual salaries for groups E-1 through E-4 are effective following the passage of Ord. 279-14 [passed 9-9-14]:

<i>SALARY GROUP</i>	<i>ANNUAL MINIMUM RATE</i>	<i>MAXIMUM RATE</i>
E-1	\$60,625	\$85,625
E-2	\$65,000	\$96,875
E-3	\$67,500	\$100,000
E-4	\$75,625	\$115,625

The annual minimum rate and the annual maximum rate for salary groups E-1, E-2, E-3 and E-4 will increase by the same percentage, effective the same date of the applicable AFSCME Local 2058 wage increase.

(c) The following base annual salaries for groups E-1 through E-5 are effective following the passage of Ord. 423-19 [passed 9-11-19]:

<i>SALARY GROUP</i>	<i>ANNUAL MINIMUM RATE</i>	<i>MAXIMUM RATE</i>
E-1	\$63,399	\$89,543
E-2	\$67,974	\$101,308
E-3	\$70,588	\$115,000

E-4	\$79,085	\$130,000
E-5	\$90,000	\$150,000

The annual minimum rate and the annual maximum rate for salary groups E-1, E-2, E-3, E-4 and E-5 will increase by the same percentage, effective the same date of the applicable AFSCME Local 2058 wage increase.

(d) Effective on and after January 1, 1998, the salary range for groups L-1 through L-4 shall be as follows:

<i>SALARY GROUP</i>	<i>ANNUAL MINIMUM RATE</i>	<i>MAXIMUM RATE</i>
L-1	\$28,500	\$55,000
L-2	\$46,000	\$79,500
L-3	\$55,000	\$80,000
L-4	\$57,000	\$84,000

(e) Effective following the passage of Ord. 279-14 [passed 9-9-14], the salary range for groups L-1 through L-4 shall be as follows:

<i>SALARY GROUP</i>	<i>ANNUAL MINIMUM RATE</i>	<i>MAXIMUM RATE</i>
L-1	\$35,625	\$68,750
L-2	\$57,500	\$99,375
L-3	\$68,750	\$100,000
L-4	\$71,250	\$105,000

The annual minimum rate and the annual maximum rate for salary groups L-1, L-2, L-3 and L-4 will increase by the same percentage, effective the same date of the applicable AFSCME Local 2058 wage increase.

(f) The following base annual salaries for groups L-1 through L-4 are effective following the passage of Ord. 423-19 [passed 9-11-19]:

<i>SALARY GROUP</i>	<i>ANNUAL MINIMUM RATE</i>	<i>MAXIMUM RATE</i>
L-1	\$50,000	\$90,000
L-2	\$65,000	\$115,000
L-3	\$85,000	\$122,000
L-4	\$95,000	\$130,000

(g) Salary ranges shall be reviewed periodically to determine the market average for like level positions based upon a salary survey for such comparable positions. Recommendations to adjust the ranges may be presented to City Council.

(h) Base annual salaries for Directors and Executive Group members of the Mayor's staff shall be set by the Mayor within the range of the employee's designated Salary Group. Base annual salaries for Commissioners and Managers shall be set by respective Directors within the range of the employee's designated Salary Group, subject to the approval of the Mayor. Base annual salaries for the L group shall be set by the Director of Law within the range of the L-1 through L-4 employees, subject to the approval of the Mayor. Base annual salaries for Executive Directors shall be set by their respective boards or commissions within the range of the employee's designated Salary Group, subject to the approval of their Appointing Authority. The base annual salary for the Clerk of Council, the Director of the Plan Commission and the City Auditor shall be set by City

Council within the designated salary range.

Adjustments in base annual salaries beyond the minimum for the range shall be in accordance with the following principles and guidelines:

1. In setting employee salary within the executive exempt groups, consideration shall be given to any significant market disparity for different positions.
2. Merit-based increases shall only be provided upon review of information obtained via objective performance reviews or other established criteria. The amount of any increase shall be determined at the discretion of the Mayor, or in the case of the L group, by the Director of Law subject to approval by the Mayor, where it is determined that such an increase is in the best interest of the City of Toledo, based upon review of objective information presented. Criteria that should be considered includes length or frequency of outstanding performance; regularity with which outstanding performance or unique contribution is demonstrated; overall significance or importance of the employee's work product to his/her department; whether the employee has new permanent job duties and/or responsibilities of importance to his/her department; and whether the employee has acquired additional competencies, which are critical in carrying out the functions of the classification.
3. Special circumstances may justify deviating from these guidelines in specific cases. Special circumstances shall include consideration of any special education, certification, or licensure that increases the employee's value to the City.

(i) Longevity Pay:

Effective the first full pay period in September of 1995, any employee in salary groups E-1 through E-5, and L-1 through L-4, who became employed by the City prior to July 1, 1982 and who therefore has received longevity pay, shall no longer receive longevity as a separately itemized payment. Such employee's longevity pay shall be incorporated into the employee's base annual salary by multiplying the longevity annual base rate by the appropriate percentage and including the result in the annual salary. Longevity pay shall be added to the employee's base annual salary based upon the employee's present longevity base rate or the rate as listed below if it is greater.

An employee promoted to the executive group after the first full pay period in September of 1995 who has been receiving longevity pay, shall have that pay incorporated into his or her base annual salary using this same methodology. The employee shall only have the amount of longevity pay from their permanent position prior to the promotion added to their new base annual salary.

Once longevity pay has been incorporated into an employee's base annual salary, the employee will not receive further automatic increases once the next plateaus of years of service for longevity pay purposes are reached.

*LONGEVITY BASE RATES*

<i>SALARY GROUP</i>	<i>ANNUAL RATE</i>
L-1	\$18,570.24
L-2	23,720.32
L-3	24,639.68
L-4	25,091.04
E-1	23,720.32
E-2	25,091.04
E-3	26,530.40



E-4 27,541.28

*LONGEVITY FACTOR*

<i>CALENDAR YEARS OF CONTINUOUS SERVICE</i>	<i>PERCENT OF LONGEVITY BASE WAGE</i>
AFTER 5 YEARS	2%
AFTER 10 YEARS	4%
AFTER 15 YEARS	6%
AFTER 20 YEARS	8%

is hereby repealed.

SECTION 73. That Toledo Municipal Code Section 2101.74 is enacted as follows:

## 2101.74 Base Annual Salaries - Executive Group

(a) The annual minimum rate and the annual maximum range for salary groups E-1, E-2, E-3, E-4, and E-5 will increase by the same percentage, effective the same date of the applicable AFSCME Local 2058 wage increase.

The current base annual salary ranges for groups E-1, E-2, E-3, E-4, and E-5 are as follows:

Salary Group	Minimum	Maximum
E-1	\$72,392.32	\$102,246.56
E-2	\$77,617.28	\$115,681.28
E-3	\$80,602.08	\$131,316.64
E-4	\$90,305.28	\$148,445.44
E-5	\$102,768.64	\$171,283.84

Starting the first full pay period of January 2024, the ranges which were effective in January 2023 shall be increased by four percent (4.0%).

Salary Group	Minimum	Maximum
E-1	\$75,288.27	\$106,336.77
E-2	\$80,722.49	\$120,308.70
E-3	\$83,825.99	\$136,568.61
E-4	\$93,917.15	\$154,383.08
E-5	\$106,880.08	\$178,134.59

b) The annual minimum rate and the annual maximum range for salary groups L-1, L-2, L-3, and L-4 will increase by the same percentage, effective the same date of the applicable AFSCME Local 2058 wage increase.

The current base annual salary ranges for groups L-1, L-2, L-3, and L-4 are as follows:

Salary Group	Minimum	Maximum
L-1	\$57,093.92	\$102,768.64

L-2	\$74,220.64	\$131,316.64
L-3	\$97,059.04	\$139,310.08
L-4	\$108,478.24	\$148,445.44

Starting the first full pay period of January 2024, the ranges which were effective in January 2023 shall be increased by four percent (4.0%).

Salary Group	Minimum	Maximum
L-1	\$59,377.07	\$106,880.08
L-2	\$77,190.42	\$136,568.61
L-3	\$100,941.92	\$144,882.48
L-4	\$112,817.11	\$154,383.08

(c) Salary ranges shall be reviewed periodically to determine the market average for like level positions based upon a salary survey for such comparable positions. Recommendations to adjust the ranges may be presented to City Council.

(d) Base annual salaries for Directors and Executive Group members of the Mayor's staff shall be set by the Mayor within the range of the employee's designated Salary Group. Base annual salaries for Commissioners and Managers shall be set by respective Directors within the range of the employee's designated Salary Group, subject to the approval of the Mayor. Base annual salaries for the L group shall be set by the Director of Law within the range of the L-1 through L-4 employees, subject to the approval of the Mayor. Base annual salaries for Executive Directors shall be set by their respective boards or commissions within the range of the employee's designated Salary Group, subject to the approval of their Appointing Authority. The base annual salary for the Clerk of Council, the Director of the Plan Commission and the City Auditor shall be set by City Council within the designated salary range.

Adjustments in base annual salaries beyond the minimum for the range shall be in accordance with the following principles and guidelines:

1. In setting employee salary within the executive exempt groups, consideration shall be given to any significant market disparity for different positions.
2. Merit-based increases shall only be provided upon review of information obtained via objective performance reviews or other established criteria. The amount of any increase shall be determined at the discretion of the Mayor, or in the case of the L group, by the Director of Law subject to approval by the Mayor, where it is determined that such an increase is in the best interest of the City of Toledo, based upon review of objective information presented. Criteria that should be considered includes length or frequency of outstanding performance; regularity with which outstanding performance or unique contribution is demonstrated; overall significance or importance of the employee's work product to his/her department; whether the employee has new permanent job duties and/or responsibilities of importance to his/her department; and whether the employee has acquired additional competencies, which are critical in carrying out the functions of the classification.
3. Special circumstances may justify deviating from these guidelines in specific cases. Special circumstances shall include consideration of any special education, certification, or licensure that increases the employee's value to the City.

(e) Longevity Pay:

Effective the first full pay period in September of 1995, any employee in salary groups E-1 through E-5 who became employed by the City prior to July 1, 1982 and who therefore has received longevity pay, shall no longer receive longevity as a separately itemized payment. Such employee's longevity pay shall be incorporated into the employee's base annual salary by multiplying the longevity annual base rate by the appropriate percentage and including the result in the annual salary. Longevity pay shall be added to the employee's base annual salary based upon the employee's present longevity base rate or the rate as listed below if it is greater.

An employee promoted to the executive group after the first full pay period in September of 1995 who has been receiving longevity pay, shall have that pay incorporated into his or her base annual salary using this same methodology. The employee shall only have the amount of longevity pay from their permanent position prior to the promotion added to their new base annual salary.

Once longevity pay has been incorporated into an employee's base annual salary, the employee will not receive further automatic increases once the next plateaus of years of service for longevity pay purposes are reached.

*LONGEVITY BASE RATES*

<i>SALARY GROUP</i>	<i>ANNUAL RATE</i>
L-1	\$18,570.24
L-2	23,720.32
L-3	24,639.68
L-4	25,091.04
E-1	23,720.32
E-2	25,091.04
E-3	26,530.40
E-4	27,541.28

*LONGEVITY FACTOR*

<i>CALENDAR YEARS OF CONTINUOUS SERVICE</i>	<i>PERCENT OF LONGEVITY BASE WAGE</i>
AFTER 5 YEARS	2%
AFTER 10 YEARS	4%
AFTER 15 YEARS	6%
AFTER 20 YEARS	8%

SECTION 74. That Toledo Municipal Code Section 2101.75, which states as follows:

2101.75 Annual Physical Examination - Executive Group.

Reimbursement of up to two hundred fifty dollars (\$250.00) per year shall be made for the costs of an annual physical examination that are not covered by the employee's health care plan. To be reimbursed, charges must be from a physician or hospital as part of a routine physical. Documentation confirming the expenses as out of pocket shall be required.

is hereby repealed.

SECTION 75. That Toledo Municipal Code Section 2101.75 is enacted as follows:

## 2101.75 Career Enhancement Program - Police Deputy Chiefs

Effective January 1, 2024, the City of Toledo will implement a Career Enhancement Program for Police Deputy Chiefs. The purpose of the Career Enhancement Program is to provide the path to improve the skills, enhance productivity, evaluate performance, promote professional growth, as well as job satisfaction. This concept is further designed to provide compensation for advanced education as well as certain designated skills or a combination of formal educational and professional training. The net result will be an economic asset to the City of Toledo.

All Police Deputy Chiefs are eligible for the Career Enhancement Program. It shall be the responsibility of the individual Deputy Chief to complete the application form between November 1 and November 30 of each year to update his standing in the career enhancement program.

Any disputes involving the review of an individual Deputy Chief's standing in the Career Enhancement Program shall be evaluated by the Career Enhancement Program Evaluation Committee. The Career Enhancement Program Evaluation Committee shall be comprised of one individual selected by the Chief of Police, one individual selected by the Executive Board of the Association and the third member selected by the first two.

Applications to the Career Enhancement Program shall be reviewed annually. Percentage increases shall be based upon a Deputy Chief's achievements as of November 30 of each year.

Payment for each year of eligibility will occur in January of the following year in a lump sum payment by special check based upon the appropriate percentage of the base annual full rate effective in December of the prior year. Payments shall be made in January of each year. Deputy Chiefs who leave the City in good standing during the year shall receive upon application a pro-rated payment as part of their severance pay.

### College and/or Degrees (Only the highest degree obtained shall count)

Associate Degree	1%
Bachelor Degree	1.5%
Advanced Degree	2%

### Specialty Assignments

ISB Command Officers	2%
ISB Senior Command Officers (15 years seniority)	3%
Senior Special Operations Bureau Command Officers (15 years seniority)	4%
Bureau Command Officers	2%
FOD Command Officers (15 years seniority)	2.5%
FOD Command Officers	2%
Bomb Squad Command Officers	4%
Senior Command Officers (15 years seniority)	2%
FOD Canine Unit	2%
Motorcycle Unit	4%

Deputy Chiefs shall be limited to one specialty assignment or senior status category despite any overlap.

The combined assignment and education percentages shall be capped at five percent (5%). Only the highest degree obtained shall count toward the total percentage.

SECTION 76. That Toledo Municipal Code Section 2101.76, which states as follows:

**2101.76 Savings Clause.**

If any section of this chapter or of any rider thereto should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any provision or section of this chapter should be restrained by such tribunal pending a final determination as to its validity, the remainder of this chapter or any rider thereto, or the application of such provision or section to persons or circumstances other than those as to which it has been held invalid or as to which compliance with or enforcement of has been restrained, shall not be affected thereby.

Is hereby repealed.

SECTION 77. That Toledo Municipal Code Section 2101.76 is enacted as follows:

**2101.76 Incentives.**

- (a) Beginning in January 2024, the City will pay an annual incentive stipend in order to further both the employee's individual interest in improving his or her professional development and education, as well as the public interest in the improved operation of the particular plant and a more qualified workforce.

	<b>Not Required for Current Position</b>	<b>Job Requirement</b>
Class 1	\$1,050.00	\$1,250.00
Class 1 Treatment	\$1,250.00	\$1,475.00
Class 2	\$1,800.00	\$2,100.00
Class 2 Treatment	\$2,100.00	\$2,500.00
Class 3	\$2,600.00	\$3,650.00
Class 4	\$4,175.00	\$5,200.00
Operator in Training	\$525.00	\$625.00
Operator in Training/Treatment	\$625.00	\$725.00

- (b) The stipends listed in the chart above will be paid to any exempt employee and executive exempt employee who possesses the certification, whether it is required for his or her position or not. The employee's certification must be valid when the stipend is paid in January in order to receive it. Employees who become certified after the stipend is paid are ineligible to receive it until the following calendar year. Part-time employees who are eligible for the stipend will receive half the amount listed above for the certification(s) obtained.
- (c) Employees who are designated as the primary Operator of Record for their Division by the Director of the Department of Public Utilities will also receive a stipend. The primary Operator of Record for Distribution and the primary Operator of Record for Collection will receive \$5,725.00. The primary Operator of Record for Treatment will receive \$6,250.00. Employees who hold one of these

certifications but are a backup for the Operator of Record are ineligible for this stipend.

- (d) Employees may be paid for multiple different types of certifications; however, once an employee obtains an advanced certification in a particular specialty, he or she will only be compensated for the highest level achieved. The City will observe all Ohio EPA regulations regarding certification priority.
- (e) Operators in Training are to obtain proper contact hours approved by the Ohio EPA. Individuals must renew their certification every two years to maintain their incentive pay status.

SECTION 78. That Toledo Municipal Code Section 2101.77 is enacted as follows:

**2101.77 Savings Clause.**

If any section of this chapter or of any rider thereto should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any provision or section of this chapter should be restrained by such tribunal pending a final determination as to its validity, the remainder of this chapter or any rider thereto, or the application of such provision or section to persons or circumstances other than those as to which it has been held invalid or as to which compliance with or enforcement of has been restrained, shall not be affected thereby.

SECTION 79. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 21, 2023: yeas 11, nays 1.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

November 21, 2023  
Wade Kapszukiewicz  
Mayor