



## Legislation Details (With Text)

**File #:** O-014-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 12/18/2020      **In control:** City Council  
**On agenda:** 1/5/2021      **Final action:** 1/5/2021  
**Title:** Repealing Section 2101.36 of the Toledo Municipal Code; enacting a new Section 2101.36; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Speaking Points

Date	Ver.	Action By	Action	Result
1/5/2021	1	City Council		
1/5/2021	1	City Council		
1/5/2021	1	City Council		

2020 Exempt Vacation Carry Over  
Human Resources  
Tyrome Alexander, Ext 1031

### **Repealing Section 2101.36 of the Toledo Municipal Code; enacting a new Section 2101.36; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

Currently, Section 2101.36 of the Toledo Municipal Code, which addresses “Vacation” for administrative and managerial staff (“exempts”) requires that employees should take vacation in the calendar year following the year in which it was earned. In the event an employee is not able to use his/her vacation in the year following the year it was earned, an employee may be allowed to “carryover” unused vacation time into the next year. Carryover vacation is then to be used by April 30 of the next year. In some cases, where an employee’s director certifies that the employee was unable to use vacation time, an employee shall be paid for unused vacation.

Due to the ongoing Coronavirus pandemic, many exempt employees will be unable to use their earned vacation by the end of 2020. Section 2101.36 permits employees to carry over vacation to the following calendar year, but requires employees to use their carryover vacation prior to April 30<sup>th</sup> of the following year. In order to allow additional time for affected employees to use accrued vacation and to minimize monetary compensation for unused vacation time, this Ordinance seeks to amend Section 2101.36 to extend the date to use carryover vacation in 2021 from April 30 to September 30.

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

SECTION 1. 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 2101.45, "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 2009 no later than September 30, 2010. Carry-over vacation from years other than 2009 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 2101.45, Termination and Severance Pay, or elect to be paid for unused vacation days for the prior year.

(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.

SECTION 2. A new Section 2101.36 of the Toledo Municipal Code is hereby enacted to state 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

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(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.

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(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 2101.45, "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.

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unused vacation days from the prior year for future use, or for termination and severance benefits pursuant to the terms of Section 2101.45, Termination and Severance Pay, or elect to be paid for unused vacation days for the prior year.

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(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.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure and shall take effect and be in full force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason this Ordinance must be immediately effective in order to allow additional time for effected employees to use carry-over vacation time.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council