

**AN ORDINANCE FOR THE CHIEF AND DEPUTY CHIEF
OF THE GAHANNA POLICE DEPARTMENT**

Section 1. Agreement. This Agreement is made between the City of Gahanna, hereinafter referred to as the "City," and the Chief/Deputy Chief, hereinafter referred to as the "Chief", except where otherwise specified.

**ARTICLE I
MANAGEMENT RESPONSIBILITIES**

The Chief of Police is the Chief Executive Officer of the Police Department and shall enjoy all the rights and responsibilities thereof. He shall have full authority to carry out the duties of the Police Department subject to the Safety Director and the Charter and Ordinances. The City shall provide the Chief of Police full legal representation in all aspects related to his job as Chief of Police.

In the absence of the Chief of Police, the Deputy Chief will assume the Chief's duties.

**ARTICLE II
RIGHTS DURING INVESTIGATION**

Section 1. Corrective Action for Cause. The Chief shall not be reduced in pay or position, suspended, removed, or reprimanded except for just cause.

Section 2. If the Chief is notified to report for an investigation, and upon his request, he shall be provided the opportunity to contact an individual of his choice for the purpose of representation.

Section 3. The City shall inform the Chief of the nature of any investigation prior to any questioning and, to the extent known at that time, whether the investigation is focused on the Chief. If the Chief requests it, he shall be given a brief time prior to any questioning to locate and review any written documents he possesses regarding the event(s) being investigated in order to fully prepare himself to accurately and completely respond to the questioning. An investigating officer may accompany the Chief during the brief search for and review of such documents.

Section 4. If the Chief is to be questioned as a suspect in an internal investigation that may lead to criminal charges against him, he shall be advised of his constitutional rights in accordance with the law.

Section 5 If the Chief is suspected of a violation and is being interrogated in an internal investigation, such interrogation shall be recorded by the Police Department at the request of the City or the Chief.

Section 6. If the Chief is charged with violating Police Rules and Regulations he, and his attorney when one is involved, shall be provided access to transcripts, records, written statements, and video tapes. Such access shall be provided reasonably in advance of any hearing.

EXHIBIT A

Section 7. At the request of the City or the Chief, interviews, or portions thereof, with the Chief conducted during the course of an inquiry shall be taped (audio). The Chief and his attorney will be afforded the opportunity, upon written request, to listen to and make personal notes or verify the accuracy of a transcript regarding a tape made of his interview. If a transcript of the tape is made by the City, the Chief will be provided a copy of such transcript upon written request.

Section 8. Prior to any disciplinary actions being taken against the Chief based on complaints or charges, the Director of Public Safety shall conduct an independent hearing at which the Chief or his representative shall have the opportunity to confront and cross-examine his accuser(s), and offer testimony and other evidence on his own behalf. Reasonable advance notice of a hearing date and time, as well as the charges to be heard, witnesses to be called or whose testimony will be used, and copies of any pertinent evidentiary documents will be provided to the Chief in advance of any hearing on the charge.

ARTICLE III
WAGES AND SERVICE CREDIT

Section 1. Wages.

A. The following salary shall be paid to the Chief, effective January 1, 2000.

	<u>Step A</u>	<u>Step B</u>
	<u>Probationary</u>	
Hourly	\$33.415	\$35.12
Bi-Weekly	\$2,673.20	\$2,809.67
Annually	\$69,503.20	\$73,051.42

B. The following salary shall be paid to Deputy Chief, effective January 1, 2000.

	<u>Step A</u>	<u>Step B</u>
	<u>Probationary</u>	
Hourly	\$33.17	\$34.83
Bi-Weekly	\$2,653.60	\$2,787.11
Annually	\$68,993.60	\$72,464.86

C. Step A shall last one year from date of hire. The appointment shall not be final until this period is successfully completed as solely determined by the Director of Public Safety

Section 2. Annual Service Credit. The Chief shall receive, in addition to other pay called for herein, an Annual Service Credit payment based on completed years of service according to the following table:

5 through 9 years	\$600.00
10 through 14 years	\$800.00
15 through 19 years	\$1,000.00
20 or more years.	\$1,200.00

Payment of Service Credit shall be made in a lump sum, in a separate check, and will accompany the first regular paycheck in December of each calendar year. Payment shall be based upon continuous years of active service as a full-time officer in the Gahanna Police Department as of the date of payment.

For the purpose of this section, continuous active service shall include approved military leave.

ARTICLE IV RATES FOLLOWING CERTAIN PERSONNEL ACTIONS

Section 1. Notwithstanding the foregoing provisions of Article III, the Chief's rate of pay after the personnel actions listed below shall be as follows:

- A. Demotion (Voluntary and Physical Disability). Whenever a Chief with permanent status requests and is granted a voluntary demotion, or is required to accept a demotion because of physical disability, his rate of pay shall be at the rate which corresponds to the rate previously received for his position in the higher range, if such rate exists; or at the rate in the lower range which requires him to take the least reduction in salary and he shall be eligible for his next Step increase, if any, six (6) months from the date of his last Step increase.

ARTICLE V UNIFORMS, EQUIPMENT AND ALLOWANCES

Section 1. Damaged Uniform Parts or Equipment. The Chief shall be allowed to turn in uniform parts or equipment which are damaged in the line of duty and these items will be replaced by the City at no cost to the Chief.

Section 2. Damaged Personal Property. The Chief shall be allowed to turn in personal property which is damaged in the line of duty and these items will be repaired or replaced by the City at no cost to the Chief. The following rules will apply: \$150.00 maximum per personal item damaged (excluding personal weapon); \$300.00 maximum per incident; and total actual cost of repair or replacement of personal weapon. An A/1 Report will accompany all requests for reimbursements with written approval by the Director of Public Safety.

ARTICLE VI VACATION LEAVE

Section 1. Vacation Year. The vacation year for all employees other than full-time elected officials shall end at midnight on December 31 of each year.

Section 2. Conditions for Accrual. The Chief in paid status shall accrue vacation by pay period at the annual rate of workdays based on years of completed service as an employee of the City of Gahanna, or other employment covered by P.E.R.S., as established in the schedules contained in Section 3 of this Article. However, any Chief who has retired under a state retirement plan must have service start as of latest date hired or rehired. To induce employees to work in public service, the Mayor may grant credit for comparable service up to a maximum of eight (8) years.

In computing years of completed service, the higher rate of accrual shall begin on the first day of the first pay period in which a year of service is completed.

Section 3. Accrual Schedule of Vacation. The following vacation accrual schedules are established.

<u>Years of Service Hr./Yr.</u>	<u>Paid Vacation</u>	<u>Paid Vacation Days/Year</u>
Date Hired But Fewer Than 4 Years	104 Hours	13 Days
4 Years But Fewer Than 8 Years	136 Hours	17 Days
8 Years But Fewer Than 12 Years	152 Hours	19 Days
12 Years But Fewer Than 16 Years	176 Hours	22 Days
16 Years But Fewer Than 20 Years	192 Hours	24 Days
20 Years or More	200 Hours	25 Days

Section 4. Vacation Carry-Over. The Chief may carry into the following year a maximum of two hundred forty (240) hours.

Section 5. Additional Considerations.

- A. At the end of each year, a Chief in full-time status may be paid for vacation balances in excess of the maximum fixed by the Article. This is subject to certification by the appointing authority to the Director of Finance and the approval by City Council, that due to a bona fide emergency work requirement, it was not in the best interest of the City to permit an employee to take vacation leave which would otherwise be forfeited as provided in Section 4. Failure to secure prior approval shall result in forfeiture of hours in excess of two hundred forty (240) hours.
- B. A Chief who is to be separated from City service shall be paid in a lump sum for unused vacation leave.
- C. In the event a Chief dies while in paid status in the City service, any unused vacation leave to his credit shall be paid in a lump sum to the surviving spouse, or to the estate of the deceased, in accordance with Section 2113.04 of the Ohio Revised Code.
- D. All vacation leaves shall be taken with the approval of the Director of Public Safety.
- F. In recognition of the elimination of the one week comp time bank and change of the maximum vacation from 280 to 200 hours, the City gives the Chief a one time 80 hour grant of vacation time. This applies solely to the incumbents.

ARTICLE VII
HOLIDAYS

Section 1. Paid Holidays.

The following are designated as paid holidays.

- New Year's Day, January 1
- Martin Luther King Day, the third Monday in January
- Presidents' Day, the third Monday in February
- Easter Day
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Columbus Day, the first Monday in October
- Veteran's Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Eve, December 24
- Christmas Day, December 25

ARTICLE VIII
INSURANCE

Section 1. Medical Insurance.

- A. The City will continue to provide comprehensive hospitalization, surgical, major medical, and additional physicians' service coverage with the City paying all of the monthly premium for both single and family coverage, except for the member contributions set forth as follows:

<u>Effective Date</u>	<u>Preferred Provider Plan</u>		<u>Traditional Plan</u>	
	<u>Single</u>	<u>Family</u>	<u>Single</u>	<u>Family</u>
01-01-00	\$0	\$0	\$20	7%/\$50 Max

1. These provisions apply to the calculation of member premium contributions for family coverage under the traditional plan.
 2. Prescription Drugs: The plan shall provide for a \$5.00 deductible (\$5.00) per prescription with the remainder to be paid one hundred percent (100%) by plan for both member and family for covered prescriptions.
- B. Physicians' services, hospital services and other services as detailed in the plan booklet are to be provided to all covered members.
- C. Cost containment:

1. The plan utilizes a hospital utilization review which requires a pre-admission certification for all inpatient hospital admissions as detailed in the plan booklet. Failure to comply will cause a non-compliance penalty.
2. Second surgical opinion details are provided in the plan booklet.

Section 2. Dental Insurance. The City will continue to provide, at no cost to the member or his family, a fully paid dental insurance plan.

Section 3. Life Insurance. The City will continue to provide fully paid life insurance for the Chief in an amount equal to twice the member's annual wage rate with a provision for double that coverage in the event of accidental death or dismemberment.

Section 4. Vision Insurance. The City will provide, at no cost to the member or his family, a fully paid vision care insurance plan to cover the member and his family.

Section 5. Modifications. The employer agrees to notify the Chief of any modifications in the insurance plan prior to the time any modifications are implemented.

ARTICLE IX SICK AND INJURY LEAVE

Section 1. Sick Leave Accumulation. The Chief shall be entitled to sick leave with pay as established in Section 2 of this Article. Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the Chief's credit on the basis of one hour for every one hour of absence from previously scheduled work.

Section 2. Sick Leave Accumulation Schedule. The Chief shall accumulate sick leave at the following rates:

<u>Years of Service</u>	<u>Sick Leave Hours Per Year</u>
0 thru 5 years	120 hours per year – 15 days
6 thru 10 years	128 hours per year – 16 days
11 thru 15 years	136 hours per year – 16 days
16 years or more	144 hours per year – 16 days

Section 3. Sick Leave Usage. The Chief may use sick leave, upon approval of the Director of Public Safety, for the following reasons:

- A. Sickness.
- B. Injury, except where injury leave may apply.
- C. Medical, dental or optical consultation or treatment, providing the person rendering such treatment is licensed to practice his profession by the State of Ohio.

- D. Sickness of a member of the Chief's immediate family, whether or not the member is living in the Chief's household.
- E. For the purpose of interpreting this section of the Ordinance, pregnancy shall be considered to be sickness entitled to the same benefits as any other form of such leave.
- F. If the Chief is absent without leave for a period of three (3) work days, he is considered to have resigned; however, such resignation may be rescinded, at the discretion of the Director of Public Safety, within thirty (30) calendar days of the date the Chief became absent.
- G. A doctor's certificate may be required by the Director of Public Safety for any absence permitted by this section of the Ordinance, and shall be required for all absences of more than five (5) work days.
- H. Any period to be charged to sick leave shall be in increments of not less than one hour.
- I. No sick leave with pay shall be accredited or allowed except that accredited for service as a Chief of the City of Gahanna Police Department.

Section 4. Cash Payment for Sick Leave Credit.

- A. The Chief of Police shall receive payment, based on the employee's rate of pay for 60% of the accumulated sick leave, up to a maximum of one thousand two hundred (1,200) sick leave hours, but not less than that accumulated as of December 31, 1990. After one thousand two hundred (1,200) hours, payment shall be at twenty-five percent (25%) of accumulated sick leave. All severance pay shall be paid at the employee's current rate of pay. In the event an employee dies, his/her estate shall be paid on a day-for-day basis for his/her unused sick leave, as provided in Section 2113.04 of the Ohio Revised Code.
- B. The incumbent Deputy Chief will accumulate sick leave as provided for in this Ordinance and, at the time of his retirement or resignation in good standing will receive payment based on his then current rate of pay for twenty-five percent (25%) of all sick leave heretofore or hereafter accumulated and not used. In the event the Deputy Chief dies as a result of injury sustained in the course of his employment, payment shall be made on a day-for-day basis for all remaining sick leave.

Section 5. Injury and Major Medical Leave With Pay. The Chief shall be allowed injury leave with pay, according to the schedule in Section 6, for each service connected injury provided such injury is reported to his immediate supervisor within six (6) hours of such injury, but under unusual conditions no later than twenty-four (24) hours. Any additional period of leave must receive Director of Public Safety approval before it will be effective and must be submitted to the Director of Public Safety in writing for approval or denial.

A report of the cause of all injuries shall be submitted to the Director of Public Safety within two (2) working days of the date of the injury, on forms designed and furnished by the Director of Public Safety. The Director of Public Safety may arrange to have the Chief examined by a

qualified physician other than the Chief's own personal physician and if, in the judgment of the Director of Public Safety, the injury was sustained while on duty with the City of Gahanna Police Department, the Chief shall be continued on the payroll and be paid for a period not to exceed nine (9) calendar months. A report made by the physician designated by the City, if applicable, shall be filed in the Chief's personnel record within three (3) months. If the Physician designated by the City is of the opinion that the Chief is capable of performing his regular duties, the Chief shall be informed by the Director of Public Safety to return to work on the first regular assigned work day following the physician's report to the Director of Public Safety.

If the Chief disagrees with the determination of the City-appointed physician, he may submit an examination report from a licensed practitioner of his choice. If the opinion and conclusions of the City-appointed and the Chief's retained practitioners differ, the Chief shall submit to an examination by a practitioner mutually appointed by the two practitioners.

Section 6. Injury and Major Medical Leave Schedule. The Chief shall be entitled to one year of Major Medical leave at full pay. "Major Medical" shall be defined as any debilitating disease or injury that by its nature requires a lengthy confinement or convalescence sufficient to exhaust an employee's accrued sick leave and vacation. Major Medical leave may be used after other benefits from Article X have been used.

Section 7. Coordination of Workers' Compensation. If the Chief receives disability leave benefits, he cannot receive and retain workers' compensation temporary total disability benefits for the same period of time, arising out of the same injury. However, if the Chief is injured while on duty, he shall file for workers' compensation benefits according to the Ohio Workers' Compensation Act.

ARTICLE X SPECIAL LEAVES

Section 1. Jury Duty Leave. The Chief, while serving upon a jury in any court of record in Franklin County, or any adjoining county, will be paid his regular salary for each of his workdays during the period of time so served. Time so served shall be deemed active and continuous service for all purposes.

Section 2. Military Leave.

- A. Paid Leave. Subject to O.R.C. 5923.05, the Chief shall be granted military leave of absence with pay in addition to vacation leave when ordered to temporary active duty or when ordered to military training exercises for a period not to exceed ten (10) calendar days during each year. When the Chief Executive Officer of the State of Ohio or the Chief Executive Officer of the United States declares that a state of emergency exists, the Chief, if ordered to active duty for purposes of that emergency, shall be paid pursuant to this section for a period, or periods, whether or not consecutive, not to exceed twenty-one (21) days during each calendar year. The Chief shall be paid his regular salary for the period of time so served.
- B. Military Leave Without Pay. The Chief shall be granted a leave of absence without pay to serve in the Armed Forces of the United States of America or any branch thereof. Such leave of absence shall be governed by the following principles:

1. The Chief shall not lose his rank, grade, or seniority enjoyed at the time of his enlistment or induction into the active service of the Armed Forces of the United States of America or any branch thereof.
 2. The term "Armed Forces of the United States" as used in this section shall include the Army, Air Force, Navy and Marines.
 3. Where service in the Armed Forces results from induction or call to active duty, leave shall be granted for the duration of such call.
 4. Where service in the Armed Forces results from enlistment, leave shall be granted for not more than one (1) voluntary enlistment.
- C. Return From Military Leave. Whenever the Chief returns from military leave, and it is determined that his physical and mental condition has not been impaired to the extent of rendering him incompetent to perform the duties, he shall be restored in his former position and shall be granted any increases to which he would have been entitled had he not entered military service.

Section 3. Funeral Leave. The Chief shall be entitled to three (3) consecutive work days with pay at his regular straight hourly rate for funeral leave for a death in the immediate family. Two additional days may be granted for special hardship, at the pleasure of the Director of Public Safety.

ARTICLE XI TUITION REIMBURSEMENT

Section 1. Reimbursement Program. The Chief shall be eligible for a reimbursement of tuition of job related courses of instruction at an accredited college or university voluntarily undertaken by him at a rate of 100%. Job related advanced training given by recognized organizations and educational facilities shall be included to assist the Chief in professional development. These courses may be taken towards a degree or degrees.

- A. All courses must be taken during other than scheduled working hours. All scheduled hours for courses of instruction must be filed with the Director of Public Safety and with the Department of Finance. All scheduled times of courses must be approved by the Director of Public Safety. Any situation, in the discretion of the Director of Public Safety, which would require the Chief's presence on the job shall take complete and final precedence over any times scheduled for courses.
- B. Any financial assistance from any governmental or private agency available to the Chief, whether or not applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the full tuition reimbursement he is eligible for under this section. If the Chief's tuition is fully covered by another governmental or private agency, then he is not entitled to any payment from the City.
- C. No reimbursement will be granted for books, paper, supplies of whatever nature, transportation, meals, or any other expense connected with any course except the cost of tuition.

- D. Reimbursement for tuition will be made when the Chief presents an official certificate or its equivalent and a receipt of payment from the institution confirming satisfactory completion of the approved course with a grade of "C" or above.

ARTICLE XII
PERSONAL EXPENSES

Section 1. Personal Expenses. The following shall apply to personal expenses the Chief incurs related to City business:

- A. The Chief, whenever authorized by the Director of Public Safety to engage in or upon official daily business for or on behalf of the City, will be reimbursed for all expenses incurred. The Chief shall submit a statement of expenses to the Director of Finance with such supporting data as the Director requires.
- B. This reimbursement for any expenses shall include but not be limited to the pay for the use of private automobiles at the rate allowed by the I.R.S.

Section 2. Prepayment. The Chief may request prepayment of any expenses. Such request shall be authorized by the Director of Public Safety and submitted to the Director of Finance for approval with such supporting data as the Director of Finance requires. Such prepayment shall be accounted for to the Director of Finance within thirty (30) days following the expenditure.

ARTICLE XIII
MISCELLANEOUS ECONOMIC

Section 1. Physical Fitness Incentive Payment. The Chief is eligible to qualify for a lump-sum, non-wage rate payment, payable in the first pay period after June 1 and in the first pay period after November 1 in each year covered by this Ordinance, under the following conditions:

- A. If the Chief, before November 15 of a year covered by this Ordinance, meets military, age-graded fitness guidelines as agreed to by the City (with testing done on paid time) he shall receive, for that year, lump sum payment of Five Hundred Dollars (\$500). If the Chief meets the guidelines after either or both of these dates, he shall receive the appropriate payment in the first pay period after he meets the guidelines.

ARTICLE XIV
DEFINITIONS

Immediate Family - Spouse, son, daughter, brother, sister, parent, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-sister, step-brother, step-son, step-daughter, half-brother, half-sister, grandchild and grandparent-in-law.