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City of Willoughby Hills

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ORDINANCE NO. 2019-10

AN ORDINANCE IN FURTHERANCE OF THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 3058-2 AND OHIO COUNCIL 8, AFL-CIO ON BEHALF OF THE EMPLOYEES WHO WORK IN THE CLASSIFICATIONS SET FORTH IN SERB CERTIFICATION NO. 2016-REP-06-0060; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Law and public policy created by the General Assembly permits public employees to form unions and negotiate labor agreement governing the terms and conditions of employment with their employer; and

WHEREAS, Mayor Robert M. Weger, serving as the Chief Executive Officer of the City of Willoughby Hills, has the sole authority and responsibility to serve as the City's "public employer" who engages in negotiations and acts separately and apart from the legislative body;

WHEREAS, on January 4, 2018, Robert Weger, Mayor of Willoughby Hills signed the first Collective Bargaining Agreement (CBA) covering employees in the bargaining unit that is represented by Ohio Council 8; and

WHEREAS, the American Federation of State, County, and Municipal Employees, Local 3058-2 and Ohio Council 8, AFL-CIO is the sole and exclusive bargaining agent with respect to wages, hours and other terms and conditions of employment, as provided by the State Employment Relations Act, for all employees who work in the following classifications set forth in SERB Certification No. 2016-REP-06-0060: Community Service Officer, Building and Zoning Clerk, Building/Service Department Clerk, Clerk-Recreation Commission, Clerk Stenographer, Finance Assistant, Clerk of Courts, Deputy Clerk of Courts, Property Staff Member, Fire Secretary and the position of Executive/Administrative Assistant; excluding all confidential, management level and supervisor employees as defined in the Act; all seasonal and casual employees as defined by the Board; and employees represented in any other bargaining unit; and

WHEREAS, Article 25 – Wages, Section 25.1, page 19 of the Collective Bargaining Agreement (CBA), attached hereto as the "Exhibit A", establishes that all employees serving in the abovementioned classification set forth in SERB Certification No. 2016-REP-06-0060 will receive 3% general wage increases effective January 1, 2017 through December 31, 2019 and in addition to the City current contribution, the City will pick up 1% of the employee's contribution to their retirement fund (OPERS) for the duration of the contract beginning with the first payroll following ratification of the Collective Bargaining Unit.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. In compliance with the terms of the "*Agreement between The City of Willoughby Hills and the American Federation of State, County, and Municipal Employees, Local 3058-2 and Ohio Council 8, AFL-CIO, effective January 1, 2017 through December 31, 2019, (Case Number 2017-MED-02-0136)*", specifically Article 25 – Wages, Section 25.1, one percent (1%) of the statutorily required employee contributions to OPERS shall be picked up by the City of Willoughby Hills for the employees serving in the following classifications set forth in SERB Certification No. 2016-REP-06-0060:

Community Service Officer
Building and Zoning Clerk
Building/Service Department Clerk
Clerk-Recreation Commission
Clerk Stenographer
Finance Assistant
Clerk of Courts
Deputy Clerk of Courts
Property Staff Member
Fire Secretary
Executive/Administrative Assistant

SECTION 2. This “pick-up” by the City of Willoughby Hills shall be: (1) an offset against future salary increases; (2) this “pick-up” shall be designated as public employee contributions and (3) this “pick-up” shall be in lieu of contributions to OPERS by each person serving in the classifications set forth in SERB Certification No. 2016-REP-06-0060 provided in Section 1 herein.

SECTION 3. No person subject to this “pick up” shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it “picked up” by the City of Willoughby Hills or of being excluded from the “pick up”.

SECTION 4. The City of Willoughby Hills shall, in reporting and making remittance to OPERS, report that the public employees’ contribution for each person subject to this “pick-up” has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

SECTION 5. Under the fringe-benefit method of employee pick up, salary is not modified; however, the employer will pay the employees’ statutorily required contribution to OPERS the remaining nine percent (9%) balance of contributions will be administered under the salary reduction method.

SECTION 6. The Finance Director is hereby authorized and directed to implement the provisions of this Ordinance to institute the “pick-up” of the statutorily required contributions to OPERS for the employees serving in the classifications set forth in the “*Agreement between The City of Willoughby Hills and the American Federation of State, County, and Municipal Employees, Local 3058-2 and Ohio Council 8, AFL-CIO, effective January 1, 2017 through December 31, 2019, (Case Number 2017-MED-02-0136)*”.

SECTION 7. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed as of the effective date of this ordinance.

SECTION 8. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 9. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of the municipality, and further provides for the City to be in compliance with *Article 25 – Wages, Section 25.01 of the Agreement between The City of Willoughby Hills and the American Federation of State, County, and Municipal Employees, Local 3058-2 and Ohio Council 8, AFL-CIO, effective January 1, 2017 through December 31, 2019 (Case Number 2017-*

MED-02-0136); wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: February 14, 2019

Submitted to the Mayor for his approval on this 14 day of February, 2019

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Nancy E. Fellows
Nancy E. Fellows
President of Council

Approved by the Mayor

February 14, 2019

Robert M. Weger
Robert M. Weger
Mayor