

City of Willoughby Hills

ORDINANCE NO. 2013 – 14

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 157 – GENERAL EMPLOYMENT PROVISIONS BY THE ESTABLISHMENT OF SECTION 157.24 – COMPULSORY RETIREMENT AGE POLICE AND FIRE DEPARTMENTS OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

WHEREAS, the Administration of the City of Willoughby Hills has requested that an ordinance be enacted establishing a compulsory retirement age for the members of the Police and Fire Departments of the City employed as a law enforcement officer or fire fighter.

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

SECTION 1. The existing Chapter 157 – General Employment Provisions of the Codified Ordinances of the City of Willoughby Hills be and the same hereby is, amended by the establishment of a new **Section 157.24 – Compulsory Retirement Age Police and Fire Departments** which shall read and provide in its entirety as follows:

“157.24 COMPULSORY RETIREMENT AGE POLICE AND FIRE DEPARTMENTS.

(a) Except as hereinafter provided, no member of the Police and Fire Departments of the City employed as a law enforcement officer or firefighter as defined in Section 11 of the Age Discrimination and Employment Act of 1967 (29 U.S.C. 630 (j) and (k)), shall continue in such service after attaining the age of 60 years, with the exception of the Chief and Deputy Chief Administrative Officers of the Police and Fire Departments as so appointed by the Mayor. Each member shall upon attaining such age, be retired with such pension rights as may be provided by law and rules of the Police and Fire Pension Fund, the Ohio Public Employees Retirement System, or the U.S. Social Security Administration accordingly.

(b) If the Mayor believes it to be in the interest of the City to retain any such member in such service after attaining the age of 60 years, he may do so, for such period of time as he may, from time to time determine, but not beyond the date when such a member attains the age of 62. Any member receiving such extension would be required to complete an annual fitness for duty evaluation to determine their physical and mental capacity to perform all essential functions of their job as specified in the current position description. This evaluation may include, but not be limited to, the employment physical standards required by the Ohio Police & Fire Pension Fund under Ohio Revised Code (ORC) 742.38 and Ohio Administrative Code (OAC) 742-1-02. A member who is unsuccessful in ~~completing~~ **MEETING** the fitness for duty ~~evaluation~~ **STANDARDS FOR THEIR POSITION AS SPECIFIED** will be retired with such pension rights as may be provided by law and rules of the Police and Fire Pension Fund, the Ohio Public Employees Retirement System, or the U.S. Social Security Administration accordingly.

(c) The enacting of this legislation will not apply to any current member of the Police and Fire Departments of the City who has already attained the age of 60 years and who is determined through a fitness for duty evaluation to be physically and mentally capable to perform all essential functions of their job as specified in the current position description. This evaluation may include, but not be limited to, the employment physical standards required by the Ohio Police & Fire Pension Fund under Ohio Revised Code (ORC) 742.38

and Ohio Administrative Code (OAC) 742-1-02. A member who is unsuccessful in ~~completing~~ **MEETING** the fitness for duty ~~evaluation~~ **STANDARDS FOR THEIR POSITION AS SPECIFIED** will be retired with such pension rights as may be provided by law and rules of the Police and Fire Pension Fund, the Ohio Public Employees Retirement System, or the U.S. Social Security Administration accordingly.

(d) Except as hereinafter provided, no member of the Police and Fire Departments of the City appointed as the Chief or Deputy Chief Administrative Officer shall continue in such service after attaining the age of 65 years. They shall upon attaining such age, be retired with such pension rights as may be provided by law and rules of the Police and Fire Pension Fund, the Ohio Public Employees Retirement System, or the U.S. Social Security Administration accordingly.

(e) Nothing in this section shall limit the power of the Mayor to take appropriate action, including but not limited to, requiring a fitness for duty evaluation, suspension or termination, in the event any employee is inefficient in his or her duties for reasons of physical or mental incapacity or for any other reasons as provided by law.

SECTION 2. All Ordinances, or parts thereof in conflict with the provisions of this Ordinance be, and are hereby repealed as of the effective date of this Ordinance.

SECTION 3 The actions of this Council concerning and relating to the passage of this legislation were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. This Ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED: _____, 2013

David A. Reichelt
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2013

Approved by the Mayor

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor