ORDINANCE NO. 19-2019

**REPEALING ORDINANCE NO. 5-2019 AND FURTHER MODIFYING THE COMPENSATION SCHEDULES FOR THE POSITIONS OF CHIEF OF POLICE, LIEUTENANT, SERGEANT AND PATROL OFFICER OF THE POLICE FORCE OF THE VILLAGE OF FAIRFAX, OHIO, AND ESTABLISHING THE WORK PERIODS FOR THE POSITIONS OF LIEUTENANT, SERGEANT, AND PATROL OFFICER AND DECLARING AN EMERGENCY**

 **WHEREAS,** the Council of the Village of Fairfax (“Council”) previously adopted Ordinance No. 5-2019, modifying the pay reflected in the title hereof; and

 **WHEREAS,** certain pay rates made effective in Ordinance No. 5-2019 were understated, contrary to Council’s intention; and

 **WHEREAS,** it is necessary in this ordinance to correct such rates and provide for the full pay intended as of the pay period beginning March 31, 2019;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio that:

 **SECTION I**:

(A) Any person holding the office of Chief of Police of the Village of Fairfax shall be a salaried executive of the Village under U.S.C. §213(a)(1) and 29 C.F.R.§ 541.1, and, therefore, exempt from the wage and hour requirements of the Fair Labor Standards Act addressing overtime. The Chief of Police shall be compensated as follows:

(1) $3,506.12 for each bi-weekly period during the first six months of service.

(2) $3,583.05 for each bi-weekly period during the remaining six months of the first year of service.

(3) $3,698.43 for each bi-weekly period after the first year of service has been completed.

(B) Except as provided in Section I(C) below, the Chief of Police shall receive his full salary for any week in which he performs any work without regard to the number of days or hours worked in that week.

(C) The Chief of Police shall be subject to any deductions in pay as required by Section II of Ordinance No. 18-2004 and as authorized by 29 C.F.R. §§ 541.118(a)(2) and (a)(2) and (a)(3).

(D) The Chief of Police shall perform all of his or her duties under the control of, within such guidelines promulgated by, and subject to such oversight exercised by the Mayor and the Village Council as otherwise permitted by law. Subject to the foregoing control, guidelines, and oversight, the primary duty of the Chief of Police shall be the management and supervision of the Police Department of the Village of Fairfax, and the Chief of Police shall exercise discretion in carrying out that management and supervision. In addition to any other action necessary or appropriate to discharge the duties of the Police Department, the Chief of Police shall perform the following duties:

1. Regularly direct the work of the members of the Police Department.
2. Make suggestions and recommendations as to the hiring, firing, and promotion of any other change of status of members of the Police Department. Such suggestions and recommendations shall be given particular weight by the appropriate body. Where otherwise authorized by law, the Chief of Police shall have the authority to hire and fire certain personnel.

**SECTION II**: Any person holding the position of Lieutenant on the Police Force of the Village of Fairfax shall be compensated as follows:

(1) $3,228.82 for each bi-weekly period during the first six months of service.

(2) $3,305.74 for each bi-weekly period during the next six months of service.

(3) $3,421.12 for each bi-weekly period after the first year of service has been completed.

**SECTION III:** Any person holding the position of Sergeant on the Police Force of the Village of Fairfax shall be compensated as follows:

(1) $2,951.51 for each bi-weekly period during the first six months of service.

(2) $3,028.43 for each bi-weekly period during the next six months of service.

(3) $3,143.82 for each bi-weekly period after the first year of service has been completed.

**SECTION IV:** Any person holding the position of Patrol Officer as a Detective on the Police Force of the Village of Fairfax shall be compensated as follows:

(1) $2,674.20 for each bi-weekly period during the first six months of service.

(2) $2,751.13 for each bi-weekly period during the next six months of service.

(3) $2,866.51 for each bi-weekly period after the first year of service has been completed.

**SECTION V:** Any person holding the position of Patrol Officer other than as a Detective on the Police Force of the Village of Fairfax shall be compensated as follows:

(1) $33.43 per hour during the first six months of service.

(2) $34.39 per hour during the next six months of service.

(3) $35.83 per hour after the first year of service has been completed.

**SECTION VI:** The work period for Lieutenants, Sergeants, and any person holding the position of Patrol Officer as a Detective shall be fourteen (14) consecutive days depending on scheduling. Overtime shall be payable for hours worked in a fourteen-day work period in excess of eighty (80) hours.

**SECTION VII:** The work period for any person holding the position of Patrol Officer other than as a Detective shall be fourteen (14) consecutive days depending on scheduling. Overtime shall be payable for hours worked in a fourteen-day work period in excess of eighty five (85) hours, eighty five (85) hours, and seventy (70) hours respectively within a repeating forty-two day cycle of three work periods lasting fourteen days each.

**SECTION VIII**: The compensation provided by this ordinance shall take effect retroactive to the pay period beginning on March 31, 2019. The Clerk-Treasurer shall issue such back pay as is necessary to conform to the rates set forth herein.

**SECTION IX**: Ordinance No. 5-2019 is hereby repealed.

**SECTION X:** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to correct the 2019 pay rates for the Village of Fairfax Police Department.

Passed this 20TH day of May, 2019.

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 Mayor

ATTEST:

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Clerk-Treasurer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 19-2019, passed at a meeting of the Council of the Village of Fairfax on this 20th day of May, 2019.

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Pay rate amounts inserted/reviewed by JK and RD; Ordinance reviewed/approved by AA